





An Act to enable the Surrogate Court of the County of Oxford to grant Probate of the writing signed by the late John Dunlop as and for his last will.

THEREAS Mary Veronica Dunlop, of the City of Wood-Preamble. stock, in the County of Oxford, widow, James Dunlop, of said City of Woodstock, manufacturer, Stevenson Dunlop, of the City of Fargo, in the State of North Dakota, farmer, 5 Mary Veronica Ball, of said City of Woodstock, wife of Alfred Ball, and Isabella Dunlop, of the City of Woodstock, aforesaid, spinster, heirs and heiresses at law of John Dunlop, late of said City of Woodstock and formerly of the Township of East Zorra in Oxford County, gentleman, deceased, have in 10 their petition represented that the said John Dunlop, deceased, on the sixth day of April, 1901, did in his own handwriting draw up and sign a certain writing and deliver it as and for his last will and testament; and whereas by some mistake or oversight the signature of the said John Dunlop, deceased, 15 was not witnessed; and whereas it appears from said petition that the above named parties and one John Dunlop, a son of deceased, are the widow and the sole heirs and heiresses at law of said John Dunlop, deceased, and that the said John Dunlop, a son of deceased, is mentally incapacitated from 20 giving his consent thereto, and the said petitioners have by their petition prayed that an Act may be passed to enable the Surrogate Court of the County of Oxford, being the proper court in that behalf, on proof to said court of the said writing being intended by the said John Dunlop, deceased, to be 25 his last will and testament, to grant probate thereof to the executors therein named or to such of them as shall apply for probate thereof, and that the granting of the said probate shall enable the executors to execute the trusts thereof and the property therein devised shall pass according to the terms of 30 said writing as if the same had been duly witnessed according to law; and whereas it is expedient to grant the prayer of said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 35 as follows:

1. The Surrogate Court of the County of Oxford may grant Surrogate probate of the writing dated the sixth day of April, 1901, as court may

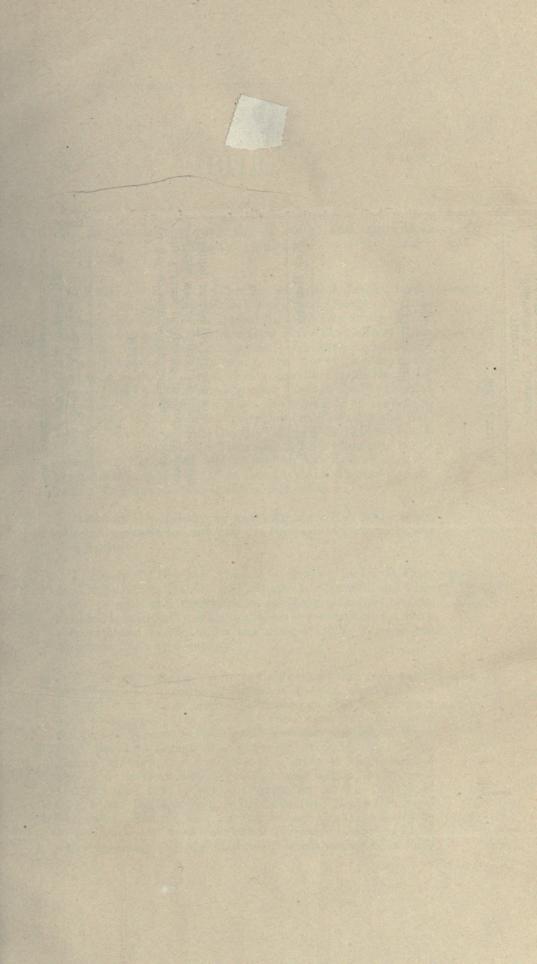
grant probate on evidence of signature. and for the last will and testament of the said John Dunlop, deceased, upon such proof as shall satisfy the judge of said court that the said writing was drawn and signed by the said deceased, notwithstanding that the said will was not executed in presence of subscribing witnesses.

5

Effect of will after grant of probate.

2. Upon probate being granted as aforesaid the said writing shall vest in the beneficiaries mentioned in said writing the lands and moneys bequeathed thereby in as full and ample a manner as would have been by the said writing if it had been executed according to law.

10



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL

An Act to enable the Surrogate Court of the County of Oxford to grant Probate of the writing signed by the late John Dunlop as and for his last will.

First Reading,

1902.

(Private Bill.)

Mr. PATTULLO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

## An Act to incorporate the Toronto and Hamilton Railway Company.

WHEREAS Henry T. Thurber, Alanson S. Brooks, Lester Preamble. O. Goddard, Edward J. Tisdelle and George L. Staunton have by their petition applied for an Act of incorporation under the name of "The Toronto and Hamilton Railway Com-5 pany," for the purpose of constructing and operating an electric railway from some point in or near the City of Toronto, in the County of York, to some point in or near the City of Hamilton, in the County of Wentworth, passing through the Township of Etobicoke in the County of York, the Township of Toronto in 10 the County of Peel, and the Townships of Trafalgar and Nelson, the Town of Oakville and the Village of Burlington in the County of Halton, and the Township of East Flamboro' in the County of Wentworth, and to confirm the by-laws and the agreements in Schedule "A" to this Act; and whereas it is ex-15 pedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Henry T. Thurber, Alanson S. Brooks, Lester O. God- "The Toronto 20 dard, Edward J. Tisdelle and George L. Staunton and such and Hamilton Railway" inother persons and corporations as shall hereafter become corporated. shareholders in said company are hereby constituted a body corporate and politic under the name of "The Toronto and Hamilton Railway Company."

2. The said company is hereby authorized and empowered Location of 25 to survey, lay out, construct, complete, operate, alter and keep lines. in repair a double or single track railway with iron or steel rails, to be operated by electricity from some point in or near the City of Toronto, to some point in or near the City of Ham-30 ilton, passing through the Township of Etobicoke in the

County of York, the Township of Toronto in the County of Peel, and the Townships of Trafalgar and Nelson, the Town of Oakville and the Village of Burlington in the County of Halton, and the Township of East Flamboro' in the County of 35 Wentworth, and the said railway or any part thereof may be carried along and upon such public highways (including high-

ways separating any of said municipalities) as may be or have

been authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the provisions and restrictions therein and in this Act contained and under and subject to any agreements made or hereafter to be made between or on behalf of the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway or the cross- 10 ing of any river or stream subject to the provisions and conditions contained in this Act and in The Municipal Act, and any Act or Acts amending the same.

Telegraph and telephone lines. 3. The company may also construct and erect an electric telegraph line and a telephone line in connection with their 15 railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the Act respecting telegraph companies being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village having been or being first obtained by the company.

Steam not to be used.

4. Steam shall not be used as the motive power for the operation of the railway of the said company excepting for the purposes of construction.

Operating on highways.

5. The railway of the company shall not be constructed or operated on, upon, or along any street, highway, or public 30 place of any municipality until first authorized by an agreement in respect thereto made between or on behalf of the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of any such municipality already passed 35 or to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motive power, and the application and using thereof in so constructing, operating and working such railway or the cars, carriages, engines, motors and machines aforesaid shall 40 be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible nor to interfere with the free access to any house, or other building erected in the vicinity of the same and the electric and other appliances shall be of 45 such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water. 50

- 6. The said Henry T. Thurber, Alanson S. Brooks, Lester O. Provisional Goddard, Edward J. Tisdelle and George L. Staunton with directors power to add to their number shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.
  - 7. The board of directors of the said company shall consist Directors, of not less than three nor more than nine directors, and a number majority of such directors shall form a quorum.
- 10 8. No person shall be elected a director unless he or a cor-Qualification poration represented by him is the owner and holder of at of directors. least ten shares of stock in the company upon which all calls have been paid.
- 9. Aliens and companies incorporated abroad as well as Aliens, 15 British subjects and corporations may be shareholders in the rights of said company and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.
- 20 10. When and so soon as shares to the amount of \$50,000 of Calling first capital stock in the said company shall have been subscribed general meeting to elect and ten per centum paid thereon into some chartered bank of directors. the Dominion having an office in the Province of Ontario to the credit of the company and which shall on no account be

25 withdrawn therefrom unless for the services of the company, the said provisional directors or a major ty of them shall call a general meeting of the shareholders for the purpose of electing directors of the company giving at least four weeks notice by advertisement in the Ontario Gazette and in one or more news-

30 papers published in the City of Toronto or Hamilton of the time, place and purpose of the said meeting.

- 11. Annual and sp cial general meeting of the shareholders Subsequent shall be held at such time and place as may be provided by the general meet-by-laws of the company.
- 12. The head office of the company shall be at the City of Head office. Hamilton or at such other place as the company may from time to time by by-law designate
- 13. The capital stock of the company shall be eight hun-Capital stock. dred thousand dollars to be divided into shales of one hun-40 dred dollars each.
  - 14. No subscription for stock in the capital of the company subscription shall be binding on the said company unless it shall be ap-for stock proved, by resolution of the provisional directors or of the when binding. directors, nor unless ten per centum of the amount subscribed

has been actually paid thereon within one month after subscription.

Calls.

15. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days notice at least shall be given of each call and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or to be made at a less interval than two months from the previous call.

Preference stock, by law for issuing. 16. (1). The directors may make a by law for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law, and such by-law may provide 15 that the holders of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Assent of shareholders.

(2). No such by-laws shall have any force or effect whatever 20 until after it has been unanimously sanctioned by a vote of those shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company.

Rights of preference shareholders. (3). Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise, they shall as 30 against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Rights of creditors preserved.

(4). Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

Cancelling preference tock.

(5). The directors of the company may for the purposes of cancelling such preference stock or parts thereof from time to time pass by laws providing for the purchase or acquisition by the company of such stock or parts thereof with the consent of the holders, and for the cancellation of the stock so pur-40 chased or acquired and for the reduction pro rata according to the amount of stock so cancelled of any reserve set apart or required to be set apart in respect of such preference stock but no such by-law shall be valid or acted upon unless and until the same has been sanctioned by a vote of at least two thirds 45 in value of those shareholders of the company present in person or represented by proxy, at a special general meeting duly called for considering the same.

- 17. The Directors of the company may from time to time Directors, make by-laws not contrary to law or to this Act to regulate: general powers of.
- (a) The allotment of stock, the making of calls thereon, the payment thereof; the issue and registration of certificates of 5 stock; the forfeiture of stock for non-payments; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock:
  - (b) The declaration and payment of dividends;
- (c) The term of service not exceeding two years; and the 10 amount of stock qualification of the directors.
  - (d) The appointment, functions, duties and removal of all officers, agents and servants of the company; the security to . be given by them to the company and their remuneration.
- (e) The time at which and place where the general and 15 special meetings of the company shall be held, the callings of meetings, regular and special of the Board of Directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings;
- (f) The imposition and recovery of all penalties and forfei-20 tures admitting of regulation by by-law;
- (g) Rules and regulations, to be observed by the conductors, motormen and other officers in service of the company, and by all other companies and persons using the railway of the company, and such regulations with regard to the con-25 struction of the motor cars, carriages and other vehicles to be used in the trains on the railway of the company as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act, and the orders and regulations of the Lieutenant-Governor in Council, and,
- (h) The conduct in all other particulars of the affairs of the 30 Company.

And may from time to time repeal, amend or re enact the Confirmations same; but every such by law and every repeal, amendment of by laws, or re enactment thereof unless in the meantime confirmed at etc. by thare-holders.

35 a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company, and in default of confirmation thereof, shall at, and from that time only cease to have force, and in that case no new by law to the same or like effect shall have any force

40 until confirmed at a general meeting of the company; provided however that the company shall have power either at the general meeting called as aforesaid or at the annual meeting of the company to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors,

45 but no Act done or right acquired under any by law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Certain paymade in paid up stock or bonds.

18. The said directors or provisional directors may pay, me to may be or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors or for right of way or material, plant or rolling stock, and also subject to the sanction of a vote of a majority of the shareholders present or represented at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way or material, plant or rolling 10 stock, whether such promoters or other persons be provisional or elected directors or officers of the company or not, and any agreement so made shall be binding and conclusive on the company.

Contracts for

19. The directors of the company may enterinto a contract or 15 or equipment, contracts with any individual or corporation or association of individuals for the construction or equipment of the line or of any part thereof including or excluding the purchase of right of way, and may pay therefor, either in the whole or in part, either in cash or bonds or in paid-up stock. Provided that no 20 such contract shall be of any force or validity until approved of by at least two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

shareholders.

Assent of

20. The company is hereby authorized to purchase, lease or 25 Parks. acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality, and the company is authorized to improve and lay out 30 such lands as parks or places of public resort, and to make and enter into any agreements or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use 35 of such public parks and pleasure grounds,, provided that the total acreage of land acquired by the company for park purposes shall not exceed 300 acres, and provided also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company 40

Grants of land from municipalities.

21. Any municipality through which the said railway may pass or is situate is he eby empowered to grant by way of gift to the company or to sell to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other 45 purposes connected with the running or traffic of the said railway, and the said company shall have power to accept gifts of land from any government or from any person of body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 50

22. It shall be lawful for the corporation of any municipality Exemptions through any part of which the railway of the company passes, from taxation. or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such 5 municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for

payment, or in lieu of all or any municipal rates or assessments

to be imposed by such municipal corporation and for such 10 term of years as such municipal corporation may deem expedient, not exceeding twenty-one years at any one time, and no such by-law shall be repealed unless in conformity with a condition contained therein.

23. The company shall have full power and authority:

General

(1). To purchase land for and erect power houses, ware- Power houses, houses, elevators, docks, stations, workshops and offices, and to elevators, etc. sell and convey such lands as may be found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company, as many steam or 20 other vessels as the directors of the company may deem requi-

site, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. (2) To erect and maintain all necessary and convenient Stations, buildings, stations, depots wharfs and fixtures and from time wharfs, etc.

25 to time to alter, repair or enlarge the same, and to build, purchase and acquire engine; motors, carriages, waggons and other machinery, and contrivances necessary or convenient for the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

(3) To construct, maintain and operate works for the pro- Production of duction of electricity for the motive power of the said railway electricity. and for the lighting and heating, the rolling stock and other property of the company.

(4) To sell or lease any electricity not required for the pur- Disposing of 35 poses aforesaid to any person or corporation, and the company surplus elecin that behalf, shall, subject to the provisions and restrictions tric power. of this Act. possess the powers, rights and privileges and be subject to all the obligations and restrictions of Joint Stock Companies incorporated under the Act respecting companies 40 for supplying steam, heat, electricity or natural gas for heat, light or power and be entitled to acquire and hold any property necessary for the purposes mentioned in this sub-section.

(5) To purchase motive power and the right to convey Contracting electricity required for the working of the railway and light for supply of 45 ing or heating the same over, through or under lands other right to carry than the lands of the said railway, and with the consent of same over the councils of the municipalities affected to purchase the right lands. to lay conduits under or erect poles and wires along and upon

any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made 5 between the company and any private owners of the land affected and between the company and any municipality in which such works or any part thereof or of the railway may be situate and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof 10

General powers.

6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act.

Back charges of goods 24. The company shall have power to collect and receive 15 all charges subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be 20 subrogated by such payment in all the rights and remedies of such person for such charges.

Power to purchase whole !ots. 25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing maintaining and using the said railway, and in 25 case, by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands and also the right of way 30 thereto, if the same be separated from their railway, and may sell or convey the same or any part thereof from time to time as they may deem expedient but the compulsory clauses of The Railway Act of Ontario shall not apply to this section.

Taking land for gravel pits, etc. 26 When tone, gravel earth or sand is or are required for the 35 construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purposes thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a 40 copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of The Railway Act of Ontario and of this Act, as to the ser-45 vice of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the

obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time, they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

27. (1)—When said gravel, stone, earth or sand shall be Sidings to taken under the preceding section in this Ac at a distance revel pits.

- from the line of the railway, the company may lay down the 10 necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be, but such distance shall not exceed two miles in length, and all the provisions of The Railway Act of Ontario and of this Act 15 except such as relate to the filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think 20 proper and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaintaining the said railway.
- (2) Such sidings and tracks shall not be used by the com-25 pany or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for. any other purposes than that of constructing and maintaining the said railway.
- (3) When estimating the damages for the taking of gravel, 30 stone, earth or sand, sub-section 9 of section 20 of The Railway Act of Ontario shall not apply.

28. The company may at any points on or near to its line Connection of railway connect its tracks with the tracks of The Toronto with other Rulway Company, The Metropolitan Railway Company, The railways. 35 Toronto and Mimico Electric Railway and Light Company,

(Limited), The Hamilton Street Railway Company, The Hamil-

ton Radial Electric Railway Company, The Hamilton, Grimshy and Beamsville Electric Railway Company, The Hamilton Electric Light and Cataract Power Company, (Lim-40 ited) and The Toronto Suburban Railway or any of the said companies and for that purpose may construct or enter into an agreement with any of such companies with whose tracks such connection is made to construct all such works, turn-outs,

switches and signals as may be necessary for the making and 45 operating of such connection, and the said companies are and each of them is hereby authorized and empowered to enter into and perform all agreements which may be necessary or convenient to make the powers granted under this section available to the company.

2 - 2

Agreements with other companies.

- 29. The company and the said companies in section 28 named or any of them may and are hereby authorized and empowered from time to time to enter into agreements for the following purposes;
- (a) For the making, maintenance and operation of such 5 connections and of the works necessary therefor.
- (b) For the interchange of passenger and freight traffic between the companies party to the agreement for the use by either company of property, buildings, tracks, plant, material, rolling stock, machinery, appliances, and facilities of the 10 other; for the supply of motive lower, heat and light by either company to the other, and generally for services to be rendered by either company to the other.
- (c) For the making of running arrangements and the conduct of the joint traffic of the two companies. 15
- (d) For the purchase leasing or hiring by the company, of the lands, tracks, structures, plant, rolling stock, rights, privileges, franchises, powers, property and appliances of any of the said companies or any part or portion thereof upon such terms as to compensation or otherwise as may be agreed upon. 20
- (e) Generally for all matters and things incidental or conducive to the purposes in this section mentioned.
- (t) Any agreement entered into under the powers conferred by this section shall be upon terms to be approved of by twothirds in value of the shareholders of the company present or 30 represented at a special general meeting to be held for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company 25 which is not within the legislative authority of this Province.

Acquiring companies.

30. The company may from time to time acquire from the stock in other shareholders of any of the companies in section 28, referred to or from any of them, any or all of the shares of the capital stock in any undertaking which the company is authorized 35 to purchase or lease, and the directors may by by law appoint any person or persons to act for and represent the company at any meeting of the shareholders in any undertaking in which the company shall hold stock and every such person shall be deemed to hold such stock in his own right and shall 40 be eligible for election as a director in respect thereof.

Bill of promissory notes.

31. The company shall have power and authority to beexchange and come parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and such promissory note or bill of exchange made, accepted or endorsed by the presi- 45 dent or vice-president of the company and countersigned by the secretary or treasurer of the company, and under the authority of a quorum of the directors shall be binding on the

company, and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made accepted or endorsed with proper authority until the contrary be shewn, and in no case shall it be necessary to have

5 the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the direc-

- 10 tors as herein provided and enacted,—provided however that nothing in this section shall be construed to authorize the company to issue any promissory notes or bills of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.
- 32. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meeting powers. called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company (and who have paid all calls due thereon) are

20 present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$30,000 per mile for each and every mile of single track of the said railway and extensions and branches: such bonds, debentures or other securi-

- 25 ties shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures and other securities may be made payable at such times, and in such manner, and
- 30 at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper.
- 33. (a) The directors shall issue and sell or pledge all or Raising any of the said bonds, debentures or other securities at the money on 35 best price and upon the best terms and conditions which at bonds. the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or may use all or any of the said bonds for the purposes provided in sections 18 and 19 hereof.

- (b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue: and such power may from time to time be exercised 45 upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work.

Mortgage to secure bonds. 34. The company may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgage a charge and encumbrance upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

Terms of mortgage.

- 35. (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed all and every the powers, rights 10 and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the rights, 15 powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice 20 shall be given by the company in the Ontario Gazette.

Registration of mortgage.

(c) It shall not be necessary in the exercise of powers as to mortgaging and in order to preserve the priority lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued or mortgage 25 deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act or any 30 Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the 35 time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages 40 of chattels had been fully complied with.

Bond to be a first charge.

36. Until they have been surrendered and lawfully cancelled the bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company and the 45 privileges acquired under this Act and the franchise, undertaking, tools and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

37. (a) Each holder of the said bonds, debentures, or other Right of bondsecurities shall, until they have been surendered and lawfully holders. cancelled be deemed to be a mortgagee or encumbrancer upon the said securities pro rata with all the other holders, and no 5 proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

38. If the company makes default in paying the principal Bondholders' 10 of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings all holders of bonds, 15 debentures or other securities so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the 20 company to a corresponding amount.

- (a) The rights given by this section shall not be exercised by any such holder un'ess it is so provided by the mortgage deed, nor unless the bond, debentures or other security in respect of which he claims to exercise such rights has been 25 registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof, there-30 after in the same manner as shares or transfers of shares.
- (h) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any 35 such mortgage deed.
- 39. All bonds, debentures or other securities hereby au- Bonds, etc., thorized may be made payable to bearer, and shall in that may be payable to bearer. case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be 40 transferable by written transfers registered in the same manner as in the case of the transfers of shares.

40. The several clauses of *The Railway Act of Onturio*, Application numbers 8 to 20 (except sub-sections 19, 20, 21, 22 and 23 of provisions of the provisions of the contract of the contrac section 9), 29 (except sub-section 4), 31 to 38, 40, 42, 81 to 90, Rev. Stat. 45 inclusive, and 109, sub sections 1, 2, 3, 4, 10, 11, 12, and 13 of c. 207. section 41, all inclusive, shall be incorporated with and deemed part of this Act, and shall apply to the company and to the railways hereafter to be constructed or acquired by them,

except only so far as they may be inconsistent with the expressed enactments thereof, and the expression "This Act" when used therein shall be understood to include the said clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Forms of cenvevance of land to company.

41. Conveyances of land to the Company for the purposes of and powers given by this Act made in the form set forth in Schedule "B' hereunder written or to the like effect, shall be sufficient conveyance to the company, their successors or assigns of the estate or interest therein mentioned and suffi- 10 cient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering 15 the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Application of Rev. Stat. c. 209, s. 14.

42. Clause number 14 of The Electric Railway Act shall be incorporated herewith but otherwise the said Act shall not apply to the company or to the lines of the railway con-20 structed and operated or to be constructed and operated by it

Agreements between E. J. Tisdelle and Township of firmed.

43. The respective agreements between Edward J. Tisdelle and the Township of Toronto, the Townships of Trafalgar and of Nelson and of the Township of East Flamboro' Toronto, Tra- gar and of velson and of the following the falgar, Nelson and the by laws therein referred to and incorporated there-25 Flamboro'con- with and which are set out in Schedule "A" to this Act are hereby declared and deemed to have been made and entered into by the said Tisdelle for and on behalf of this company, and are hereby declared to be within the powers of the respective parties thereto and to be valid and legal and to be 30 binding upon the said parties thereto for all purposes whatsoever, and it is hereby declared that all the rights, powers, privileges and interests granted to or conferred upon the said Edward J. Tisdelle by the said several by-laws are hereby vested in the company subject nevertheless to the provisoes, 35 conditions and restrictions in the said several by-laws contained, and it is further declared that under the said several agreements and by-laws the company acquired and are entitled to the exclusive right and privilege of constructing, maintaining and operating an electric railway in, upon and along the 40 several streets and highways therein mentioned during all the terms of years mentioned in the said by-laws and any renewals thereof and to use and enjoy the several rights, privileges and powers gr nted to or conferred upon the said Tisdelle, but subject nevertheless to all the conditions, provisoes and 45 restrictions in the said by-laws and agreements expressed or contained.

44. It shall and may be lawful for the Council of the said By-laws to Townships of Toronto, Trafalgar, Nelson and East Flamboro', extend time for commenceor any of them, by resolution or by by-law to extend the ment and time for the commencement of the construction of the said completion. 5 railway and for the completion thereof.

45. Any lands or chattel property which may have become Disposing of no longer useful or necessary for the purposes of the company property no may be released by the trustees of any mortgage securing the longer rebonds of the company if a provision for such release is con-

- 10 tained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company.
- 46. Notwithstanding any provision to the contrary in any Level cross-15 other Act the company's railway may cross the railway of any ings. other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada or of the Commissioner of Public Works for Ontario.
- 20 47. The railway shall be commenced within three years Time for and finally completed within five years after the passing of commencethis Act.

n ent and completion of line.

### SCHEDULE B.

Know all men by these presents that I, (or we) (insert the name or names of vendor or vendo s), in consideration of dollars paid to me (or us) by The Toronto and Hamilton Railway Company), (the receipt who reof is hereby acknowledged) do grant and convey unto the said The Toronto and Hamilton Railway Company, and I, (or we) (insert the name or rames of any other party or parties) in consideration of dollars paid to me (or us) by the said company, (the receipt whereof is hereby acknowledged) do grant and release all that certain parcel (or those certain parcels as the case may be) of land describe the land, the same having been selected and laid out by the said The Toronto and Hamilton Railway Company for the purposes of its railway, to hold with the appurtenances, unto the said The Toronto and Hamilton Railway Company, their successors and assigns, forever, (here insert any otherclauses, covenan's and conditions required) and I (or we) the wife (or wives) of the said bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals; this day of one thousand nine hundred and Signed, sealed and delivered, &

in the presence of

(Copy)

#### SCHEDULE A

#### No. 700.

#### TORONTO TOWNSHIP FRANCHISE.

Whereas, Edward J. Tisdelle has been negotiating with the municipal councils of the different towns, villages and townships between the cities of Toronto and Hamilton, for permission and authority to construct, equip and operate an electric railway on the Lake Shore Road, to run from the City of Toronto to the City of Hamilton.

And whereas, the said Edward J. Tisdelle has applied to the council of the municipality of the Township of Toronto for permission and authority to construct, equip, maintain and operate such an electric railway, in, along and upon the Lake Shore Road in this township and the council of this municipality has consented to grant him such permission and authority under certain conditions.

Therefore, the municipal council of the Township of Toronto enacts as follows:

1. That the consent, permission and authority of the corporation of the Township of Toronto are hereby given and granted to the said Edward J. Tisdelle, his associates, successors and assigns, hereafter to be organized into a corporation, to lay down and construct a single track for an electric railway, with all the necessary tracks for turnouts, or ssovers, sidetracks and switches, and all necessary poles, wires and overhead construction for the completion of said railway on the trolley system, and its operation by running cars thereon by means of electricity, in, along and upon the following highways or any portion thereof in the Township of Toronto, subject to the conditions and agreements hereinafter set forth.

Beginning at the easterly limits of the Township of Toronto on the high-

way known as the Lake Shore Road, thence running west in, along and upon the said Lake Shore Road to the westerly limits of the said Township of Toronto. The easterly limits of the said Township of Toronto, above referred to, being the boundary line between the Townships of Etobicoke and Toronto, except the one hundred feet under the control of the County Council of Peel, and the westerly limits of the said Township of Toronto, above referred to, being the boundary line between the

Townships of Toronto and Trafalgar.

2. The municipal council of the Township of Toronto hereby gives at d grants to the said Edward J. Tisdelle. his associates, successors and assi ns, hereafter to be organized into a corporation, the right to keep, maintain, use and operate the said tracks and railway, poles, wires and overhead construction on the said above mentioned highway and thereon to operate the railway and its cars, carriag s, motors and machinery, upon the conditions and agreements hereinafter mentioned or contained.

3. The municipal council of the Township of Toronto hereby also gives and grants to the said Edward J. T sdelle, his associates successors and assigns hereafter to be organized into a corporation, the right to construct, equip, use and maintain an electric telegraph and telephone line to be used in connection with the ralway, and for that purpo e may erect all the necessary poles and wires for the completion and use of such telegraph and telephone line.

4. The track of the said railway shall be of the guage of four feet eight and one-half inches, and the rails shall be of steel weighing not less than forty pounds to the yard and of the "T" pattern.

5. The location of the track on the above mentioned road or highway and the grades thereof sha'l be determined by the engineer acting for the railway for the time being, subject to the approval of the council of the municipality, but no portion of said tracks shall be constructed on the travelled or grade portion of the highway without the consent of the said township council.

- 6. The said grantee shall, subject to the next preceding clause, select the route over which to build the railway and give notice thereof to the township council of this township. Such notice shall be in writing, accompanied with a map or plan showing accurately such route and the same shall be delivered to the clerk of this township before beginning the construction of said railway.
- 7. At the intersection of all private entrances and at the crossings of every public road with the railway, the track for the width of the travelled portion of the said road and entrance shall be planked, or covered over with heavy plank or other suitable material for the purpose, the surface of which shall be maintained at the same elevation as the rails and such crossings shall be built and maintained by the railway and all such approaches to the railway shall be one foot in twelve and also shall be built and maintained by said railway.
- 8. During the operation of constructing said railway and laying the rails and whenever repairing the same thereafter, a safe passage for carriages and vehicles over said highway and private crossings, shall be kept open, and immediately after laying the said rails, or whenever repairing the same thereafter, all surplus materials, if any, shall be removed and said highway and private crossings shall be forthwith put in a safe and proper condition for public travel thereon, by and at the expense of the said grantee.
- 9. The grantee shall place and continue to operate on said railway with n the Township of Toronto, passenger cars with all the modern improvements for the convenience, safe y and comfort of passengers including lighting and heating, and shall each day (not including Sundays) run as many cars for the carriage of passengers as the business of the line may require, provided that not less than six cars a day be run on said line.
- 10. The said grantee shall take, transport, carry and convey passengers, freights, merchandise and mail.
- 11. The following specifications regulating the running of said railway shall be observed:
- (2) The gran ee may charge and collect from any person on entering the car for riding on any part of the said railway the following rates of tare:
  - (b) For any distance less than three miles, five cents, for any greater distance, one and one half cents per mile for the number of miles actually travelled, provided always, that a sufficient number of cents may be added to make the amount end in naught or five.
  - (c) The said grantee shall have the right to make a reasonable charge for the transportation of freight, mercha wise and mail.
  - (d) The cars used for the transportation of freight, merchandise and mail, shall stop at every cross-road for the purpose of loading or unloading freight or merchandise whenever there is any to be loaded or unloaded, but such cars shall not be compelled to stop at any intermediate point.
  - (c) Every passenger car operated on said railway shall have a number plainly and conspicuously painted on the ourside of it.
  - (f) Every car running over said railway after sunset and before sunrise shall carry a white light in front and a red light in the rear conspicuously placed as a signal light, and every car or train of cars shall be provided with a gong or be I which shall be rung when approaching every public crossing or private crossing, and before starting and after each stop.
  - (q) The cars running over the said railway are not to run at a greater speed than 25 miles an hour and at all times and places where drivers of vehicles or riders on horseback I se control or are about to lose control over their horses the cars are to stop and the conductor to render assistance if necessary to prevent accidents.

- 12. The said grantee shall build its own bridges over all the wa'er courses within this township and such bridges shall be of sufficient size so as not to interfere with the flow of water in such water courses, provided, that the said grantee and the township council may make any arrangements as to the joint building, use and maintenance of any bridges which may be mutually agreed upon.
- 13. The said grantee may remove any snow or ice from the tracks of the said railway, and whenever the same is removed it shall be done in such a manner that it shall not interfere with public travel on the highway.
- 14. The grantee may, at any time hereafter, operate the said railway by any improved system of propulsion, other than the trolley system, provide I, that all proper precautions shall be taken that no increased danger of life and property shall thereby be incurred, and provided further that this privilege shall not be construed to mean the use of steam.
- 15. The rights and privileges hereby granted shall extend for a period of thirty years from the day the road is opened for traffic and operation of the same begun.
- 16. The township shall enact and pass a by-law exempting all the property of the grantee situated within this township and the income derived therefrom, from taxation for a period of ten years only, beginning with the first year the railway is put into operation, provided that this exemption shall not apply to school rates.
- 17. There shall be no unnecessary delay on the part of the township or its officers in passing any by law or by-laws required by any of the provisions herein centained, and the township and its officers shall and will pass all by-laws as so required and shall aid and assist the grantee, so far as it is consistent with their duty, in carrying out the provisions agreed to, but no by-law shall be submitted asking for any bonus from any part or the whole of this township.
- 18 The township shall not permit or authorize any person or company to construct and operate an electric railway on the Lake Shore Road, or at any distance within two miles on either side of it, within the limits of this township, without the consent of the said grantee.
- 19. No part of the said railway, situated within this township shall be open to the public or put into operation until inspected and approved of by the railway inspector appointed to inspect railways, under the provisions of The Electric Railway Act.
- 20. The said grantee may incorporate or form a stock company at any time during the con inuance of this by-law, and all the rights privileges, conditions and agreements, cont ined herein, shall apply to such company after the same shall have been properly and legally assigned to said company, and the same shall be as binding and effectual up in said company as though they had been made with it in the first instance.
- 21. The said grantee shall have nine months to begin the construction of said railway from the date of the acceptance of this by-law, and shall have one year, after beginning its construction, to complete the same ready for operation but in case the said grantee shall fail to begin the construction of said railway within nine months from the date of acceptance of this by law or fail to complete the same within one year after beginning its construction then, and in that event, this by law shall be null and void, all the rights and privileges above granted, shall revert to the township and the relation of the parties, existing prior to the passing thereof, shall be established and remain as if this by law had not been passed and i's agreements entered into, provided that if the construction of said railway is delayed by injunction or by restraining orders, sued out by any person or corporation (on any portion of the route between Toronto and Hamilton) the time during which such injunction or restraining orders shall be enforced, shall not be reckoned as any portion of the time allowed to begin or complete the construction of the railway by the said grantee, provided that the so-mentioned time does not exceed twelve months.
- 22. This by-law and the rights, privileges, conditions and agreements hereby granted and entered into shall not take effect or be binding on

-

said township unless formally accepted by the grantee within thirty days after the passing thereof, by an agreement which shall legally bind the said grantee to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, provided however, that this section is subject to the next preceding section.

- 23. Whenever the word grantee occurs in this by-law or in the acceptance thereof, it shall be construed to mean the said Edward J. Tis-lelle, the person to whom these rights and privileges are granted, and the same shall apply with equal force and be equally binding upon any person or company to whom a proper assignment of the same may be made.
- 24. The said gravitee, his successors or assigns shall make arrangements with any telegraph or telephone company interested on said highway for the removal of their poles should it become necessary to properly construct said railway and shall indemnify the township from all damages arising from the removal or interference with such poles.
- 25. In case the grantee, his successors or assigns fails to live up to any of the clauses of this by-law or in the non-fulfilment or violation in any way thereof it may be the privilege of the said grantee or the said township council to bring the matter before the County Judge, he to say what amount of damages is due either parties concerned, and also to decide which party will be liable for costs and his judgment shall be final.

Passed, signed and sealed, this twenty-seventh day of April, A.D., 1901.

C. H. GILL, Clerk,

J. W. CURRY, Reeve,

Dixie. [Corporate Seal.]

Hanlan P. O.

This agreement made this 27th day of April in the year of Our Lord, one thousand nine hundred and one, by and between Edward J. Tisdelle, of the Ciry of Detroit. State of Mi-higan, hereinafter called the grantee, of the first part, and the Municipal Corporation of the Township of Toronto, hereinafter called the Township, of the second part.

Whereas, by By-law number seven hundred, of the said township, passed on the 27th day of April, one thousand nine hundred and one, permission and authority was granted by the said township to the said grantee upon certain conditions, provisees and agreements in said By-law set forth, to construct, maintain and operate an electric railway, in, along and upon certain streets or highways in the Township of Toronto, and

Whereas it was provided in said By-law that the same should not be binding on the said Township, unless formally accepted by the said grantee, by an agreement which would legally bind him to p rform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

Now therefore this agreement witnesseth that the said parties do hereby respectively covenant and agree to and with each other as follows:—

- 1 The said grantee does hereby accept the said By law numbered seven hundred (700) passed on the 27th day of April, one thousand nine hundred and one, and the powers and privileges thereby granted and does hereby agree with the said Township to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.
- 2. The said township does hereby agree to accept and does accept these presents and declares the same to be the agreement required to be executed by the said grantee under the provisions of the said By-law, and does further declare that such By-law is therefore in full force and effect.

In witness whereof the said grantee has set his hand and seal and the said township has caused its corporate seal to be hereto affixed under the hand of the reeve and clerk, the day and year first above written.

EDWARD J. TISDELLE. (Seal.)
J. W. CURRY,
Reeve. [Corporate Seal.]
C. H. GILL,

Township Clerk.

Signed, sealed and delivered in the presence of

RICHARD BROOKS. W. CALLAHAN.

#### BY-LAW No. 580.

#### OF THE MUNICIPALITY OF THE TOWNSHIP OF TRAFALGAR.

To grant certain privileges and rights of way for the operation of an

electric railway through his township.

Whereas, Edward J. Tisdelle has been negotiating with the municipal c uncil of the towns, townships and villages between the cities of Toronto and Hamilton for permission and authority to construct, equip, maintain and operate an electric railway on the Lake Shore Road to run from the

City of Toronto to the City of Hamilton,
And whereas, the said Edward J. Tisdelle has applied to the council of
the municipality of the Township of Trafalgar for permission and authority to equip, construct, maintain and operate such an electric railway in, along and upon the Lake Shore Road in this township and the council of this municipality has consented to grant him such permission and authority.

Therefore, the municipal council of the Township of Trafalgar enact as

follows:

- 1. That subject to the conditions and limitations hereinafter contained, the consent permission and authority of the corporation of the Township of Trafalgar are hereby given and granted to the said Edward J. Tisdelle, his associates, successors and assigns hereinafter, to be organized into a corporation to lay down construct, equip, maintain and complete an electric railway consisting of a single track with necessary switches, turn outs, side tracks and crossings in, along and upon the Lake Shore Road in this township and to erect all necessary poles, wires and overhead constructions along such highway for the completion of said railway on the trolley system, and to operate such railway by running cars thereon by means of electricity or other motive power, except steam as a motive power, during the term hereinafter specified.
- 2. The municipal council of the Township of Trafalgar hereby also gives and grants to the said Edward J Tisdelle his associates successors and assigns the right to construct, equip, maintain and use an electric telegraph and telephone line to be used only in connection with the said railway and for that purpose the right to erect all the necessary poles, wires and overhead construction for the completion and use of such telegraph and telephone lines.
- 3. The poles to be used by the said Edward J. Tisdelle, his associates, successors and assigns, shall be of wood straight and dressed and of proper height.
- 4. The tracks of the railway shall be of the gauge of four feet eight and one-half inches and the rails shall be of steel weighing not less than sixty (60) pounds to the yard and of the "T" pattern.
- 5. The location of the tracks and poles on the above mentioned highway and the grades thereof shall be determined by the engineer acting for the railway for the time being subject however to the approval in writing of the council of this municipality but no portion of the said tracks shall be laid on the travelled or graded portion of the highway without the consent in writing of the said municipality.
- 6. The said Edward J. Tisdelle, his associates, successors or assigns shall select the route over which to build the railway and give notice thereof to the council of this township. Such notice shall be in writing accompanied with a map, or plan showing accurately such route within this township, and the same shall be delivered to the clerk of this township before beginning the construction of the said railway, and the application to this muni ipality for its approval thereof
- 7. At the intersection or crossing of every public road with the company's railway the company's track for the width of the travelled portion of the road shall be planked or covered over with heavy plank or other suitable material for the purpose, the surface of which shall be maintained at the said elevation of the rails, and such crossings and proper approaches

thereto shall be built and maintained by the said Edward J. Tisdelle, his associates, successors and assigns in such manner as the township council shall direct and approve of.

- 8. At the intersection of the said railway and of all private entrances now in use and where any material change shall hereafter be made in the approach to any property along the line of said railway, the said Edward J. Tisdelle, his associates, successors and assigns shall construct and at all times maintain proper crossings and entrances for the convenience of persons owning or occupying property along the line of said railway, and the tracks for the width of the travelled portion of the said private crossings or entrances shall be bridged or covered over with heavy plank or other suitable material for that purpose, the surface of which shall be maintained at the same elevation as the rails.
- 9. The said Edward J. Tisdelle, his associates, successors or assigns, where the rails are laid on the travelled portion of the road or highway, shall keep clean and in proper repair that portion of the travelled road between the rails and for eighteen inches on each side of the rail or rails lying on or being next to the travelled road, and in default this municipality may cause the same to be done at the costs and charges of the said Edward J. Tisdelle, his associates, successors and assigns, and recover the same from him or them.
- 10. During the construction and operation of said railway and whenever repairing the same a sufficient and safe pass ge for carriages and vehicles over said highway and crossings for the owners and occupiers of adjoining properties shall be kept open, and immediately after completing the construction of the said railway or after repairing the same, all surplus material shall forthwith be removed from the said highway and shall be forthwith put in a safe and proper c ndition for public travel thereon.
- 11. The said Edward J. Tisdelle, his associates, successors and assigns, shall be liable for and shall indemnify this municipality against all costs, charges, damages and expenses arising out of the construction, repair or operation of the said railway, or telegraph, or telephone line, or arising out of the said railway, its poles, ties or other material upon the roads, whether such costs, damages or expenses are occasioned while runsing at a speed authorized by this by-law or otherwise howsoever.

This municipality shall maintain the sai! Lake Shore Road in the same condition as it now is in but this municipality shall not be liable or responsible for any loss or damage the said Edward J. Tisdelle, his associates, successors or assigns may sustain or suffer by reason or on account of the destruction of or injury to the track or plant of the said railway by the overflow of the lake or water or by reason of any part of the road being washed away or destroyed by the action of the water of the lake.

- 12. The said Edward J. Tisdelle, his associates, successors or assigns, shall place and continue upon said railway within this township passenger cars with all the modern improvements for the convenience, safety and comfort of passengers, including sufficient lighting and heating, and shall each day (not including Sundays) run as many cars for the transportation of passengers as the business of the line may require, but there shall not be less than six trips each way daily over its entire line.
- 13. The said Edward J. Tisdelle, his associates, successors and assigns, shall build his or their own bridges over all the watercourse within this Township, and such bridges shall be of sufficient size and height so as not to interfere with the flow of water or ice in such watercourses. Provided, however, that the said Edward J. Tisdelle, his associates, successors and assigns and the said Township Council may make any arrangement as to the joint building, maintenance and use of any bridge which may be mutually agreed upon. The said Edward J. Tisdelle, his associates, successors and assigns shall in building the said railway construct and maintain all necessary culverts for the carrying off of water, along, over or under its roadbed.
- 14. The said Edward J. Tisdelle, his associates, successors and assigns, may remove any snow or ice from the tracks of the said railway; and

whenever the same is removed, it shall be done in such a manner that it shall not unnecssarily interfere with public travel on the highway, and that any snow put on the remainder of the said highway shall be evenly

spread thereon.

15. The said Edward J. Tisdelle, his associates, successors and assigns, may deflect the line of railway from the said highway, and operate the same across and along private properties after expropriating the necessary rights of way under the provisions of the statute in that behalf, or otherwise acquiring the same; and if he or they is or are unable to obtain running rights through the Town of Oakville, he or they shall be entitled to deflect the line so as to go round the said town, but to reach the said take Shore Road immediately thereafter; and this municipality agrees, upon demand being made by him or his associates, successors or assigns, to pass by-laws to enable him or his associates, successors or assigns, to expropriate such land as may be considered necessary for such purposes.

16. The rate of speed of all cars shall be subject to the direction of this municipality from time to time, but shall not be restricted to a speed of less than twenty-five miles an hour; and at all times and places where a driver or drivers of vehicles or riders on horseback lose control, or are about to lose control, over his her or their horses, the cars shall stop at once, and the c nductor shall render assistance, if possible, to prevent accidents. Each passenger car shall stop at each waiting-room to let passengers on and off. Passenger car conductors shall clearly announce the names of cross-roads and public stations as the cars reach them.

17. The said Edward J. Tisdelle, his associates, successors or assigns, shall provide and maintain, where necessary, for the convenience of the public, suitable waiting rooms, not to be less than four in number.

All works of construction and repair shall be made, and all poles shall be erected in such places and manner so as not unnecessarily to impair or interfere with the use of the highway by the public.

18. This municipality shall enact and pass a by-law exempting all the property of Edward J. Tisdelle, his associates, successors and assigns, situated within this township, and the income derived therefrom, from taxation for a period of ten years beginning with the first year the rail-

way is put into operation.

19. There shall be no unnecessary delay on the part of this municipality or its officers in passing any by-laws, or in giving any consent, required by any of the provisions herein contained; and this municipality and its officers shall, and will, pass all by-laws as required, and shall aid and assist the said Edward J. Tisdelle, his associates, successors and assigns so far as is consistent with their duty in carrying out the pro-

visions herein contained.

20. The said Edward J. Tisdelle, his associates, successors and assigns, may at any time during the continuance of this by-law operate the said railway by any improved system of propulsion other than the trolley system. Provided, however, that proper precautions shall be taken that no increased danger to life or property shall thereby be incurred, and provided further that this privilege shall not be construed to mean the use of steam.

This municipality shall not for thirty years permit or authorize any person or company to construct and operate an electric or street railway on the Lake Shore Road or to parallel it south of the present line of the Grand Trunk Railway without the consent of the said Edward J. Tisdelle, his associates, successors or assigns, unless such person or company shall be empowered by law to construct or operate such railway.

21. The following specifications regulating the running of said railway shall be observed.

(a) The said Edward J. Tisdelle, his associates, successors or assigns may charge and collect from any resident of this municipality on entering the car for riding on any part of the said railway, the following fares:

For any distance less than three miles, five cents, for any greater distance one and one half cents per mile for the number of miles actually

travelled. Provided always that a sufficient number of cents may be added to make the amount end in naught or five.

Provided that any resident of this municipality on payment of ten dollars (\$10.00) shall be entitled to a book of tickets entitling them to travel one thousand (1,000) miles over the said railway, said book to be transferrable to any other resident or residents.

- (b) The said Edward J. Tisdelle, his associates, successors and assignsmust use the said railway for the transportation of passengers, mail-express matter, milk, fruit, vegetables and other farm products and loc l freight in suitable cars, and
  - (c) May make a reasonable charge or the transportation of the same.
- (d) The cars used for the transportation of the articles aforesaid shall stop at ev. ry cross-road for the purpose of loading or unloading who never there is anything to be loaded or unloaded, but such cars shall not be required to be stopped at any intermediate point.
- (e) Every passenger car operated on the said railway shall have a number plainly and conspicuously painted on the outside thereof.
- (f) Every car running over said railway after sunset shall carry a white light in front and a red light in the rear, conspicuously placed as a signal light, and every car or train of cars shall be provided with a gong or bell which shall be rung when approaching every public crossing before starting and after each start.
- 22. The said Edward J. Tisdelle, his associates successors and assigns, shall not during existence of this franchise sell or lease to or amal amate or combine his or their railway with any parallel railway and his or their railway shall be operated and maintained independently of all other parallel railways.
- 23. This municipality may at any time after giving to the said Fdward. J. Tisdelle, his associates, successors and assigns, or to the corporation claiming the benefit of this by law seven days notice of its intention so to take up any part of the road along which the said rulway is constructed for the purpose of altering the road grade, constructing sewer drains, culverts or side crossings, without being liable for any compansation or damage that may be occasioned to the working of a railway or the works connected therewith. When and so often as it might be necessary for this municipality to open a road for the purpose of repairing such road, sewer drains or culverts, a reasonable notice shall be given of this municipality's intention to to do, and the work thereon shall not be unnecessarily ved, but shall be carried on and completed with all reasonable speed has and hard being had to the proper and efficient execution thereof, but observe, the said railway shall not be unnecessarily interfered with. The provequality after the completion of any such works and improvement were see the said railway line, rails and sub-structure in substantial said townshifted and condition as before the commencement of any such down and improvements.
- 24. Shin graps and in chear roadway not be kep' in good condition according tools for the rores caused by law repails or the necessary repails according to the terms caused by law repails to be made thereon, this municipality may are received a curring such repairs to be made, the same are not the fiven requiring such repairs to be made, the same are not the fly days from the receipt of such notice or such further time at a manicipality may grant, such repairs may be made by this municipality, and in order to make the same it and its engineer and employees may go in, over and along and upon the said railway and all costs, charges and expenses incurred or made in or about or on account of such repairs shall be paid by the said Edward J. Tisdelle, his a sociates, successors or assigns.
- 25. In all cases where any dispute or difference in reference to any of the conditions or stipulations in this by-law contained shall arise between

this municipality and the said Edward J. Tisdelle, his associates, successors or assigns, the same shall at the option of either party be submitted to the arbitrament and determination of the judge for the time being of the County of Halton whose award or determination shall be binding and conclusive on all parties.

26. No part of the said railway within this municipality shall be operated until the same has been inspected and approved of by the railway inspector appointed to inspect railways under the provisions of *The Electric Railway Act* of this province.

27. The said Edward J. Tisdelle, his associates, successors or assigns may incorporate or form a joint stock company during the time this by-law shall be in force and all the rights, conditions, stipulations and agreements herein contained shall apply to and be binding upon such company after the same shall have been properly and legally assigned to the said company, and the same shall be as binding and effectual upon such company as though this by-law had been passed at its instance and upon its application.

28. The said Edward J. Tisdelle, his associates, successors and assigns and any corporation exercising the rights and privileges granted hereby shall, except where the same are inconsistent with this by-law, be subject to all by-laws of this municipality, now or hereafter in force in respect of the highways.

29. The said Edward J. Tisdelle, his associates, successors and assigns have until the first day of May, 1902, to bona fide commence the construction of the said railway and shall lave until the first day of January, 1903, to fully complete the same, ready for operation along its whole route, and in case the said Fdward J. Tisdelle, his associates, successors or assigns shall fail to begin the construction of the said railway by the time aforesaid or shall fail to so complete the same by the time aforesaid, then, and in either of such events, this by law shall become null and void and all the rights, powers a d privileges herein granted shall be at an end and shall revert to this municipality, and the relation of the parties existing prior to the passage hereof shall be re established and be as if this by-law had not been passed. Provided that if the construction of the said railway is delayed by injunction or restraining order sued out by any person or corporation in good taith on any portion of the route between Toronto and Hamilton, the time during which such injunction or restraining order shall be in force shall not be counted as any portion of the time allowed the said Edward J. Tisdelle, his associates, suc essors and assigns for the construction of the said railway. Provided always that such time shall not exceed in all six calendar months. Provided further that period herein named may be extended by this municipality. assigns,

30. This by-law and the rights, privileges, conditions and agree; the said by granted, imposed and entered into shall not take effect are into on this municipality unless and until accepted within thirty be taken the passing thereof by the said Edward J. Tisdelle by an agree incurred, sfactory to this municipality which shall bin thin, his associates, means and assigns to perform, observe and comply with all the area to the taken the passing to perform, observe and comply with all the area to the taken the passing to perform, observe and comply with all the area to the taken the passing to perform, observe and comply with all the area to the taken the passing thereof by the said Edward J. Tisdelle by an agree in the said the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing thereof by the said Edward J. Tisdelle by an agree in the passing the pas

31. The rights and privileges granted by as by-law esent itend for a period of thirty years beginning from the first day of dward J 1903, and shall thereafter extend for successive periods of twenty or comparent, the exclusive right granted by clause No. 20, with the power and at the expiration of every ten years thereafter by the said Edward J. Tisdelle, his associates, successors and assigns and this municipality and in case they fail to agree each shall appoint an arbitrator and the said County Judge or some person appointed by him shall act as umpire if required, provided that before any such re-adjustment shall be made, this municipality shall give two months notice to the said Edward J. Tisdelle, his associates, successors and assigns of their desire to have such re-adjustments

made, and in case such notice is not given the rights and privileges above granted shall continue for another period of ten years, upon the same terms and conditions as the previous period.

A. Buck,
Reeve.
Chas. Hall,
Clerk.

I, Charles Hall, of the Municipality of Trafalgar, hereby certify that the foregoing is a true and correct copy of By-law No. 580.

CHAS. HALL, Clerk of said municipality.

This agreement made this 24th day of June in the year of Our Lord, one thousand nine hundred and one, by and between Edward J. Tisdelle, of the City of Detroit, in the State of Michigan, hereinafter called the grantee, of the first part, and the Municipal Corporation of the Township of Trafalgar, hereinafter called the Township, of the second part.

Whereas, by By-law No. 580 of the said township, passed on the 24th day of June one thousand nine hundred and one, a copy of which is hereto annexed and made part thereof, permission and authority was granted by said township to the said grantee, his associates, successor and assigns upon certain conditions, provisos and agreements in said by-law set forth, to construct, maintain and operate an Electric Railway in, along and upon a certain highway in the Township of Trafalgar.

And whereas, it was provided in said by-law that the same should not be binding on the said township unless and until formally accepted by the said grantee, by an agreement which would legally bind him, his associates, successors and assigns to perf rm, observe and comply with all the agreements, obligations, terms and conditions therein contained

Now therefore this agreement witnesseth, that the said parties do hereby respectfully covenant, promise and agree to and with each other as follows: And the said grantee do'h hereby so covenant, promise and agree on behalf of himself and his associ tes, successors and assigns

- 1 The said grantee does hereby accept the said By-law No. 580 passed on the 24th day of June one thousand nine hundred and one and the rights, powers and privileges thereby granted, and does hereby covenant, promise and agree to and with the said township, well and truly to perform, observe, abide by, carry out, submit to and comply with all the agreements, provisos, obligations terms and conditions therein contained, as if the same were repeated and contained herein.
- 2. The said township does hereby agree to accept and does accept these presents and declares the same to be the a reement required to be executed by the said grantee under the provisions of the said By-law.

In witness whereof the said grantee has set his hand and seal and the said township has caused its Corporate Seal to be hereto affixed under the hand of the Reeve and Clerk, the day and year first above written.

A. Buck,
Reeve.
Chas. Hall,
Township Clerk,
Trafalgar.

Signed, sealed and delivered in the presence of

ALFRED HOSKIN, EDWARD J. TISDELLE, [Seal.

#### BY-LAW No. 437.

OF THE MUNICIPALITY OF THE TOWNSHIP OF NELSON.

To grant certain privileges and rights of way for the construction and operation of an Electric Railway through this township.

Whereas, Edward J. Tisdelle has been negotiating with the municipal councils of the different towns, townships and villages between the Cities of Toronto and Hamilton for permission and authority to construct, equip, maintain and operate an electric railway on the Lake Shore Road and other roads to run from the City of Toronto to the City of Hamilton.

And whereas, the said Edward J. Tisdelle hereinafter called the grantee, has applied to the Council of the Municipality of the Township of Nelson for permission and authority to construct, equip, maintain and operate such an electric railway, in, along and upon certain parts of certain highways in this township and the Council of this municipality has consented to grant him such permission and authority.

Therefore, the Municipal Council of the Township of Nelson enacts as

- 1. That subject to the conditions and limitations hereinafter contained, the consent, permission and authority of the Corporation of the Township of Nelson are hereby given and granted to the grantee to lay down, construct, equip, maintain and complete an electric railway consisting of a single track only with the necessary switches, turnouts, side-track and cross-overs. Firstly in, along and upon the south side of the Lake Shore Road (unless otherwise assented to by the said Council) from the easterly limits of this Township to the boundary line between this municipality and the Village of Burlington, Secondly beginning at that point on the Plains Road where the Grand Trunk Railroad crosses the same, thence westerly in, along and upon the said Plains Road to the westerly limits of the Township of Nelson in so far as the said Council have the right to grant such right of way, and to erect all the necessary poles, wires and overhead construction along such highways or roads for the completion of the said Railway on the trolley system, and to operate such Railway by running cars thereon by means of electricity or other motive power, except steam as motive power, during the term hereinafter specified.
- 2. The location of the tracks on the above mentioned highways, and the grades thereof, shall be determined by the engineer acting for the railway for the time being, subject however to the approval of the council of this municipality, but no portion of the said tracks shall be laid on the travelled or graded portion of the said highways without the written consent of the said municipality.
- 3. The said grantee shall, subject to the next preceding clause select the route over which to build the railway and give notice thereof to the council of this township. Such notice shall be in writing, accompanied with a map or plan showing accurately such route within this township; and the same shall be delivered to the said council and approved of by them before the beginning of the construction of said railway.
- 4. The tracks of the said railway shall be of the gauge of four feet eight and one-half inches and the rails shall be of steel, weighing not less than sixty pounds to the yard and of the "T" pattern.
- 5. The poles to be used by the grantee shall be of wood, straight and dressed and of the proper height.
- 6. Where any material change shall be made in the approach to any property along the line of the railway the grantee shall construct and maintain proper crossings and entrances for the convenience of persons owning or occupying property along the line of said railway over the tracks and to such property, and shall also construct and maintain proper crossings and entrances to any sub-division of such property at any time hereafter made, said crossing to be subject to the approval of the municipal council of the Township of Nelson.

- 7. At the intersection or crossing of any public road with the railway, the track, for the width of the travelled portion of the said road shall be planked or covered over with heavy plank or other suitable material for the purpose, the surface of which shall be maintained at the same elevation as the rails, and such crossing and proper approaches thereto shall be built and maintained by the grantee, subject to the approval of the municipal council of the Township of Nelson.
- 8 During the operation of constructing the said railway and laying the rails, and whenever repairing the same thereafter, a safe open passage for carriages and vehicles over said highway, shall be kept open, and immediately after laying the said rails, all surplus material, if any, shall be removed and said highways shall be forthwith put in a safe and proper condition for travel thereon.
- 9. Whenever it shall be necessary to remove any snow or ice from the track of the said railway, the same shall be removed by the grantee in such manner as shall not interfere with public travel on such highways.
- 10. All works of construction and repair on such railway and road-bed shall be done, and all poles shall be placed in such manner as not to impair or interfere with the use of the highway by the public.
- 11. The said grantee shall provide and maintain, where necessary for the convenience of the public, suitable waiting rooms, not to be less than three in number, and four if necessary.
- 12. No part of said railway situated in this township shall be open to the public or put into operation until inspected and approved of by the railway inspector appointed to inspect railways under the provisions of The Electric Railway Act of this province.
- 13. The grantee shall place and continue upon said railway within this township passenger cars with all the modern improvements for the convenience, safety and comfort of passengers, including lighting and heating, and shall each day (not including Sundays) run as many cars for the transportation of passengers as the business of the line may require, but there shall be run not less than four such cars each way daily over the entire line.
- 14. The grantee shall build his own bridges over all the watercourses within this township, and such bridges shall be of sufficient size and height so as not to interfere with the flow of water or ice in such watercourses, provided however, that the said grantee and the said township council may make any arrai gement as to the joint building, maintenance and use of any bridge which may be mutually agreed upon.
- 15. This municipality may at any time after giving to the said grantee seven days notice of its intention to take up any part of the road along which the said railway is constructed for the purpose of altering the said road-bed or constructing sewer drains, culverts or side-crossings, without being liable for any compensation or damages that may be occasioned to the working of the said railway or the works connected therewith, and when and so often as it may be necessary for this municipality to open a road for the purpose of repairing such road, sewer drains or culverts, a reasonable notice shall be given of this municipality's intention so to do, and the work thereon shall not be delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof, but the operation of the said railway shall not be unnecessarily interfered with, and this municipality after the completion of any such works and improvement or repairs shall leave the said railway line, rails and sub-structure in substantially the same state and condition as before the commencement of any such work and improvements or repairs.
- 16. The following specifications regulating the running of the said railway shall be observed:—
- (a) The said grantee may charge and collect from any person on entering the car for riding on any part of the said railway the following fares:

  For any distance less than three (3) miles five (5) cents, and for any greater distance one and one-half cents per mile for the number of miles

actually travelled, provided always that a sufficient number of cents may be added to make the amount end in 0 or 5. Provided that any resident of this municipality at any and all times on payment of ten (\$10.00) dollars shall be entitled to a book of tickets entitling him or his family to travel 1000 miles over the said railway.

- (b) The grantee may use the said railroad for the transportation of freight, merchandise and mail, and may make a reasonable charge for the transportation of the same.
- (c) The rate of speed of all cars shall be subject to the direction of the Township Council from time to time, but shall not be restricted to a speed of less than twenty-five miles an hour.
- (d) The cars used for the transportation of passengers and articles aforesaid shall stop at every cross road for the purpose of letting off or on passengers, or for loading or unloading freight or merchandise whenever necessary, but shall not be required to stop at any intermediate points, provided that through express and passenger cars shall not be required to stop more than once within the limits of this township, and such stop shall be at Appleby line.
- (e) Every passenger car operated on said railway shall have a number plainly and conspicuously painted on the outside thereof.
- (f) Every car running over said railway after sunset shall carry a white light in front and a red light in the rear placed as a signal light, and every car, or train of cars, shall be provided with a gong or bell which shall be rung when approaching every public crossing and before starting and after each stop.
- 17. The grantee shall be liable for and shall indemnify this municipality against all costs, charges, damages and expenses arising out of the construction, repair or operation of the said railway, or arising out of the said railway, its poles or other material upon the highway, whether such costs, damages or expenses are occasioned while running at a speed authorized by this by-law or otherwise howsoever.

This municipality shall not be liable or responsible for any loss or damage the said grantee may sustain or suffer by reason of or on account of the destruction of or injury to the track or plant of the said

railway by the overflow of the lake or action of the water.

- 18. The said grantee may at any time during the continuance of this by-law operate the said railway by any improved system of propulsion other than the trolley system, provided however, that all proper precaution shall be taken that no increased danger to life or property shall thereby be incurred, and provided further that this privilege shall not be construed to mean the use of steam.
- 19. This municipality shall enact and pass a by-law exempting all the property of the said grantee used in connection with the railway situated within this township and the income derived therefrom from taxation for a period of ten years, beginning with the first year the railway is put into operation.
- 20. The said grantee may incorporate or form a company during the time this by-law shall be in force, and all the rights and privileges and conditions and agreements herein contained shall enure to and be binding upon such company after the same shall have been properly and legally assigned to the said company and the same shall be as binding and effectual with such company as though this by-law had been passed at its instance and upon its application, but none of the rights and privileges granted by this by-law shall be exercised until a company shall have been legally formed to operate an electric or street railway and shall have succeeded to the rights and privileges herein granted, and shall have had this by-law confirmed by the Legislature of Ontario.
- 21. In all cases where any dispute or difference in reference to any of the conditions or stipulations in this by-law contained shall arise between this municipality and the said grantee, the same shall at the option of either party be submitted to the arbitration and determination of the

County Court Judge for the time being of the County of Halton, whose award or determination shall be binding and conclusive on all parties.

- 22. The said grantee shall have eighteen months from the date of the passing of this by-law to begin the construction of the said railway and shall have one year thereafter to complete the same ready for operation, and in case the said grancee shall fail to begin the construction of the said railway by the time aforesaid, or shall fail to operate the railway in accordance with the terms of this by-law, then and in any of such events, this by-law shall become null and void and all the rights, powers and privileges herein granted shall be at an end and shall revert to this municipality, and the relation of the parties existing prior to the passage hereof shall be re-established and be as if this by-law had not been passed, provided that if the construction of said railway is delayed by injunction or restraining order sued out by any person or corporation in good faith on any portion of the route between Toronto and Hamilton, the time during which such injunction or restraining order shall be in force shall not be counted as any portion of the time all wed the said grantee for the construction of the said railway, provided always that such time shall not exceed in all twelve calendar months, and provided further that the period herein named may be extended by this municipality.
- 23. The rights and privileges granted by this by law shall extend for a period of thirty years, beginning from the first of January, 1904, and shall hereinafter extend for successive periods of twenty years with the power of readjusting all fares and rates at the expiration of the said thirty years and at the expiration of every ten years thereafter by the said grantee and this municipality, and in case they fail to agree each shall appoint an arbitrator and the County Judge, or some person appointed by him shall act as umpire if required, provided that before any such readjustment shall be made this municipality shall give two months notice to the said grantee of their desire to have such readjustment made, and in case such notice is not given, the rights and privileges above granted shall continue for another period of ten years upon the same terms and conditions as the previous periods.
- 24. In case the said grantee shall fail to keep the track or roadway in good repair, as required by and according to the provisions of this by-law, or shall neglect to make such repairs within a reasonable time after notice in writing from the council of this township specifying the repairs to be made, then in such case the township council shall have the right to cause such repairs to be made and collect the expense and cost thereof from the said grantee.
- 25. This by law, and the powers, rights, privil ges and condition and agreements hereby granted, imposed and entered into, shall not take effect and be binding upon this municipality unless formally accepted within thirty days after the passing thereof by the said grantee or by an agreement satisfactory to this municipality, which shall bind him, his associates, successors, or assigns to perform, observe and comply with all the agreements, terms, stipulations and conditions herein contained.
- 26. This municipality shall not permit or authorize any other person or company to construct and operate an electric or street railway on the lake shore road.
- 27. Whenever the word "grantee" occurs in this by-law or in the agreement to be made in pursuance thereof, it shall be construed to mean, include and bind, not only the said Edward J. Tisdelle, but also his heirs, executors, administrators, successors, associates and assigns.

We hereby certify that this is a correct copy of by-law No. 437 of the Township of Nelson.

J. F. RICHARDSON,
Reeve.

Daniel McLauren, Clerk.

Passed in Council, this 2nd day of July, 1901.

This agreement made this 2nd day of July, in the year of our Lord one thousand nine hundred and one, by and between Edward J. Tisdelle of the city of Detroit, in the State of Michigan, hereinafter called the grantee, of the first part. and the Municipal Corporation of the Township of Nelson, hereinafter called the township, of the second part.

Whereas, by the by-law No. 437 of the said township passed on the 2nd day of July, one thousand nine hundred and one, a copy of which is hereto annexed, permission and authority was granted by the said township to the said grantee, his associates, successors and assigns upon certain conditions, provisoes and agreements in said by-law set forth, to construct, maintain and operate an electric railway in, along and upon certain highways in the Township of Nelson.

And whereas, it was provided in said by-law that the same should not be binding on the township unless formally accepted by the said grantee by an agreement which would legally bind him, his associates, successors and assigns, to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

Now therefore, this agreement witnesseth: That the said parties do hereby respectfully covenant, promise and agree to and with each other as follows: and the said grantee coth hereby covenant, promise and agree on behalf of himself, his associates, successors and assigns:

- 1. The said grantee does hereby accept the said by-law No. 437 passed on the 2nd day of July, one thousand nine hundred and one, and the rights, powers and privileges thereby granted and does hereby covenant, promise and agree to and with the said township to perform, observe and comply with all the agreements, obligations terms and conditions therein contained
- 2. The said township does hereby agree to accept and does accept these presents and declares the same to be the agreement required to be executed by the said grantee under the provisions of the said by-law and further declares that such by-law is therefore binding on the said township.

In witness whereof the said grantee has set his hand and seal and the said township has caused its corporate seal to be hereto affixed under the hand of the reeve and clerk, the day and year first above written.

EDWARD J. TISDELLE.
J. F. RICHARDSON, Seal. :
Reeve.

Daniel McLauren,
Township Clerk. { Corporate | Seal. }

Signed, sealed and delivered in the presence of

A. DUDLEY ALTON,

(Copy.)

By-Law No. 423,

RESPECTING AN ELECTRIC RAILWAY.

Whereas under and by virtue of the Statutes relating to Electric and other railways Edward J. Tisdelle has applied to the corporation of the Township of East Flamboro (hereinafter called the Township Corporation) to pass a by-law in respect to the construction and running of an electric railway through the said township along what is known as the "Plains Road."

And whereas the company to be incorporated has not yet received its charter of incorporation, until which the said party is to be the applicant for the privileges hereinafter referred to.

The Municipal Council of the Township of East Flamboro, enacts as follows:

- 1. The consent, permission and authority of the Township of East Flamboro are hereby granted unto the said Edward J. Tisdelle, or his assigns to construct, complete and maintain an electric railway consisting of a single track with all other necessary tracks for turn-outs, side tracks and switches in, along and upon the highway known as the Plains Road, in the said Township of East Flamboro, commencing at the intersection between the City of Hamilton, corporation limits and the territory of the said township on what is known as the Plains Road, and following the direction of the said Plains Road through the said township to the northeasterly limits thereof, and to erect all necessary poles and wires and overhead construction along said highway for the completion of said railway on the trolley system at the side of the public highway, which is now a toll road and subject to all the rights and privileges of the Toll Road Company, known as the Hamilton & Nelson Toll Road Company, said electric railway and poles and wires to be placed on the side of the highway so as not to interfere with or obstruct the passage on said toll road, and at such places as may be designated by the said township corporation. And to operate such railway by running cars thereon by means of electricity or any improved system other than steam, which is hereby absolutely prohibited, and subject to the agreements and conditions hereinafter mentioned or contained.
- 2. The said grantee on putting down any turn-outs, side tracks or switches on said highway shall at his own expense widen the road-bed of the traveled road and put the same in suitable condition for all crossings thereon, and for vehicles at such points as the said Township Corporation may think it necessary to use the same as a highway for the passage of vehicles beyond the outside ends of the ties of said railway next adjoining the road-bed to be constructed.
- 3. The grant herein contained shall be in every respect subject to the rights, franchises and privileges of the said Toll Road Company.
- 4. The rights conferred upon the said grantee by this by-law and the agreement to be executed as hereinafter provided shall in no case be taken to prevent the said Township Corporation from traversing or allowing to be traversed said highway with other railways from the limits of the City of Hami ton, as far north-easterly as the traveled road at the place known as Aldershot, or from crossing said railway with other railways with the consent and permission of the said Township Corporation, and privileges therefor may be granted consistently with the terms of this by-law, and such right to traverse said highway and cross said railway is hereby expressly reserved, but the right to the grantee from Aldershot, northeasterly to the limits of the township on the Plains Road shal' be exclusive.
- 5. The company shall construct their railway and erect their poles, wires and overhead construction in such position on said highway as shall be designated by the said Township Corporation, or their engineer to be appointed by them for that purpose. The tracks, turn outs, side tracks and switches, shall be of the gauge of four feet eight and one-half inches, and shall be laid in such manner as shall least obstruct the free and ordinary use of said highway, and the passage of vehicles and carriages over the same, and the surface of the rails for the whole line within the limits of the Township of East Flamboro, shall be laid and maintained by the company where required by the township for use as a highway flush with the surface of the highway and shall conform to the grades thereof, and where the railway is so constructed that the remainder of the road-bed part of the roadway needs to be raised or lowered to conform to the level of the railway, the company shall at their own expense raise or lower the traveled part of said highway to the level of the surface of the rails of the company, and the company shall where necessary, by the use of guard wires or other sufficient means, protect all telegraph wires and telephone wires from contact with or injury from the electric wires which may be used by the company for the use or working of said railway.

6. During the operation of constructing said railway, and of laying the rails a free passage for carriages and vehicles shall be maintained and kept open by the company, and immediately after the rails shall have been laid all surplus material shall be removed and such highway put in proper condition for public travel.

7. No portion of said highway at any one point thereon shall be kept broken or disturbed for a greater period of time than one month, and all surplus material (if any), shall be removed by the said grantee.

- 8. The said grantee shall construct and maintain all necessary crossings over the tracks and entrances to property along the line of said railway, which from time to time may be necessary for the convenience and use of persons owning or occupying property in the Township of East Flamboro, along the line of said railway, and opposite the intersection of every public road in said township with the said Plains Road, in the said Township of East Flamboro, proper crossings over said railway and good, and sufficient approaches thereto shall be built and maintained by the said grantee.
- 9. Wherever it shall become necessary to remove any snow or ice from the track of said railway in the Township of East Flamboro, along said highway the same shall be removed by the said grantee in such a manner and so evenly spread over said highway or otherwise so as not to obstruct or impede the free passage of sleighs or other vehicles along said highway or in crossing the same.
- 10. All works of construction and repair of said railway and roadbed along said highway and removal of snow and ice therefrom and spreading thereof shall be done, and all poles, wires and overhead construction shall be placed subject to the approval of the Township Council, and in every case there shall be a proper height between the roadbed surface between the rails and the trolley wire overhead.
- 11. No part of said railway over said highway shall be open to the public until the same shall have been inspected, and a certificate granted by the Government Engineer in the manner provided by the Ontario Electric Railways Act, or until the sanction of the Township Corporation shall have been obtained by means of a special resolution to that effect.
- 12. The franchises and privileges hereby granted shall continue for a period of thirty-two years from the date hereof, but no longer, it being understood however, that the said right of franchise may be renewed for a further period of thirty years by a mutual agreement, between the Township Corporation and the proprietors of said railway, but in the event of their being unable to agree upon the terms of such extension the same shall be referred to arbitration in the usual manner.
- 13. The construction of said electric railway shall be completed within two years from the date of passing of this by-law, provided, however, that the said Township Corporation may extend the time for such completion for a further period of six months, provided said Township Corporation is satisfied there is good reason for so doing.
- 14. The railway and all taxable property in connection therewith shall be exempt from Township taxation for a period of twelve years from the passing of this by-law but no longer.
- 15. It shall be lawful for the proprietors of said railway so to be erected to carry freight, passengers and mail.
- 16. It is understood that the said Township Corporation will assist in the securing of legislation necessary in connection with the charter of said road to be erected at the expense of the said grantee, such expense to be paid for by the said grantee on demand from time to time by the said Township Corporation.
- 17. All trains except express trains are to stop at least once in every mile through said township whenever passengers desire to get on or off, and all trains shall stop at least once within the township limits at Aldershot.
- 18. It is understood that the said grantee shall operate at least four passenger trains each way daily on said road and such freight cars as may

be necessary, and in default thereof for twenty days in any one year he shall forfeit all rights and franchises hereby given, except in case of strikes or washouts, making it impossible to run trains.

- 19. The passenger rates shall be five cents for each passenger for a distance of three miles from the limits of the City of Hamilton north-easterly and beyond said limit of three miles an additional charge may be made of two cents per mile according to the mileage on said rathway, but in no case shall the rate be greater than two cents per mile, it being understood that any portion of a mile charged for shall not be less than two cents and no single fare shall be less than five cents. Children under ten years of age shall be carried for three miles for three cents, and for any additional distance for half fare, but children in arms shall in all cases be carried free. The company may also charge a reasonable compensation for carrying packages and freight.
- · 20. In case of injury to life or property through negligence on the part of any person employed on said railway to be constructed the owner or owners of said railway for the time being shall indemnify the said Township Corporation against such injury.
- 21. The said grantee shall place and continue on said railway within the limits of the Township of East Flamboro and from the Township of East Flamboro to the terminus of said railway in the City of Hamilton cars with all modern improvements for the convenience, safety and comfort of passengers, including lighting and heating.
- 22 No car shall be left or remain standing on said highway at any time unless the same is waiting for passengers or freight or on account of accident for a reasonable time.
- 23. There shall be not less than two men in charge of each motor car and an additional man in charge of each trailer except in cases of freight cars, where one man shall be sufficient
- 24. It shall be the duty of the grantee to employ careful, sober and prudent conductors and motormen to take charge of their cars while on the road, and it shall be the duty of conductors and motormen to keep a vigilant watch for all teams, vehicles and persons on foot either upon the track or moving towards it, and on the first appearance of danger the car shall be stopped in the shortest time and space possible.
- 25. The cars after sunset shall be provided with colored signal lights and a bright head-light on each motor car, and every motor car shall have a gong attached to it which shall be kept ringing when necessary to give warning to any person.
- 26. It shall be lawful to and for all and every person and persons whatsoever to cross the said tracks or said highway in the Township of East Flamboro at points where the Township Corporation may deem it necessary to have crossings.
- 27. Any conductor or other employe who shall collect from any passenger more than the fare prescribed by this by-law shall, on conviction thereof, before a justice of the peace, pay a fine of not less than five dollars for each such offense.
- 28. The grantee shall have printed in large, plain figures in a conspicuous place on the outside of each car the number thereof, so that such number may be readily seen and read by day or night, and each motorman and conductor when employed in cunning a car shall have his number conspicuously shown on the breast of his coat or on his cap.
- 29. The grantee shall have securely fixed on the front of each motor car used by him on the highways of the Township of East Flamboro and shall use continually on each of such motor cars so long as the same shall be running on the highways of the Township of East Flamboro a fender of such form and construction and so placed upon the car as to prevent, so far as possible, the killing or injuring of any person or persons with whom such car may when being operated on any of such highways, come in contact, but this section shall not apply when by reason of a heavy fall of snow the use of a fender on a motor car would obstruct the running of

the car or where after an accident to a fender during a trip the car carrying it is completing such trip.

30. The grantee shall erect and maintain for the convenience of passengers on said railway at least one platform in the said Township of East Flamboro on the said highway and shall stop all regular passenger trains at such platform for the purpose of letting off or taking on any person or persons traveling on or desiring to travel on said railway.

31. The grantee shall be liable for any loss or injury which any person may sustain by any carelessness, neglect or misconduct of his servants or agents in the management, construction or use of soid railway, and the company shall indemnify and hold the corporation of the Township of East Flamboro harmless from any damage that may be claimed by any other person or persons or by property-holders on account of the laying of their tracks or the use of their railway or by the running of their cars, and shall indemnify the Corporation of the Township of East Flamboro against all damages, costs and expenses which they may incur or be put to by reason of such claims or from any damage or injury from any electrical system adopted by the company, and the company shall make good to the Township Corporation all damage or loss which may be caused by the operati n or works of the company.

32. The privileges granted by this by-law shall continue only so long as the said grantee shall reasonably observe, perform and keep the terms, conditions and obligations expressed in this by law, and the agreement hereinafter referred to, and on the part of the said grantee to be observed,

performed and kept.

33. This by-law and the powers and privileges hereby granted shall not take effect until assented to by the grantee within five days after the passing hereof by an agreement which shall legally bind the said grantee and his assigns to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained.

34. The said grantee shall have the right and privilege of assigning and transferring to any stock company, hereafter to be formed, all the rights and privileges by this by-law conferred upon him, and when such an assignment is made the said grantee shall be released from all obligations.

35. Wherever the word "grantee" appears herein it shall mean the said Edward J. Tisdelle, his heirs, executors, administrators and assigns.

> S. J. GALLAGHER, P. F. GRIFFIN, Clerk.

(Corporate) Seal.

Passed in Council, this 9th day of July, 1901.

### (Copy.)

This Agreement made in duplicate the ninth day of Ju'y, in the year of our Lord, one thousand nine hundred and one. Between Edward J. Tisdelle of the City of Detroit, in the State of Michigan (one of the United States of America), Esquire, of the first part, and the Municipal Corporation of the Township of East Flamboro, in the County of Wentworth and Province of Ontario, of the second part.

Whereas the said party of the first part has applied to the said party of the second part to pass a by-law granting the privilege to the said party of the first part to construct an electrical railway on what is known as the Plains Road in the Township of East Flamboro, and the said party of the second part has agreed to grant such privilege and has passed a by-law permitting the construction of the said railway upon the terms and conditions set forth in the said by-law.

Now this Agreement witnesseth that the said party of the first part hereby accepts the said by-law and all the clauses and conditions therein

contained, and agrees to perform all the conditions to be performed by him as set forth in the said by-law in the event of construction or commencement of construction of said railway.

In witness whereof the said party of the first part has hereunto set his

hand and seal, and the said Corporation have affixed their official seal.

Signed, sealed and delivered) in the presence of WM. Bell.

Edward J. Tisdelle. [Seal.] Corporate | Seal. S. J. GALLAGHER.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to incorporate the Toronto and Hamilton Railway Company.

First Reading, 1902.

(Private Bill.)

Mr. WARDELL.

TORONTO

Printer to the King's Most Excellent Majesty.

An Act to enable Louis Gagne to Practise Medicine and Surgery in certain Townships.

HEREAS Louis Gagné of the Township of Balfour, in the Preamble. District of Algoma, and other residents of the Townships of Blezard and Hanmer, in the District of Nipissing, and of the Townships of Balfour, Rayside, Lumsden, Creighton 5 and Dowling in the District of Algoma, in the Province of Ontario, have by their petition set forth that the said Louis Gagné graduated in medicine and surgery from Victoria College, Montreal, in the Province of Quebec, in 1890, and that the said Louis Gagné has practised medicine and surgery for 10 about nine years at Cape St. Ignace, in the Province of Quebec, and during the past three years has lived among the said residents in the Township of Balfour aforesaid, but that not having taken the courses prescribed by the Council of the College of Physicians and Surgeons of Ontario, he is 15 not entitled to practise medicine and surgery in the Province of Ontario; and whereas they have further set forth that about nine tenths of the population of the said Townships are French speaking people, the great majority of whom do not understand the English language, and that there is no 20 qualified doctor in or near the said townships who is able to speak the French language, and that the said Louis Gagné is French and of their own nationality, and has become familiar with and competent to practice medicine and surgery; and whereas it is expedient to grant the prayer of the said 25 petition :-

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. It shall be lawful for Louis Gagné to practise as a Louis Gagné 30 licentiate in medicine and surgery in the Townships of Ble- authorized to zard and Hanmer, in the District of Nipissing and in the icine and sur-Townships of Balfour, Lumsden, Rayside, Creighton and Dowl- gery in cer-tain towning, in the District of Algoma, in the Province of Ontario, any ships. law, statute or usuage to the contrary notwithstanding.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to enable Louis Gagné to Practise Medicine and Surgery in certain Townships

First Reading

1902.

(Private Bill.)

Mr. Loughrin.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the King's Most Excellent Majesty.

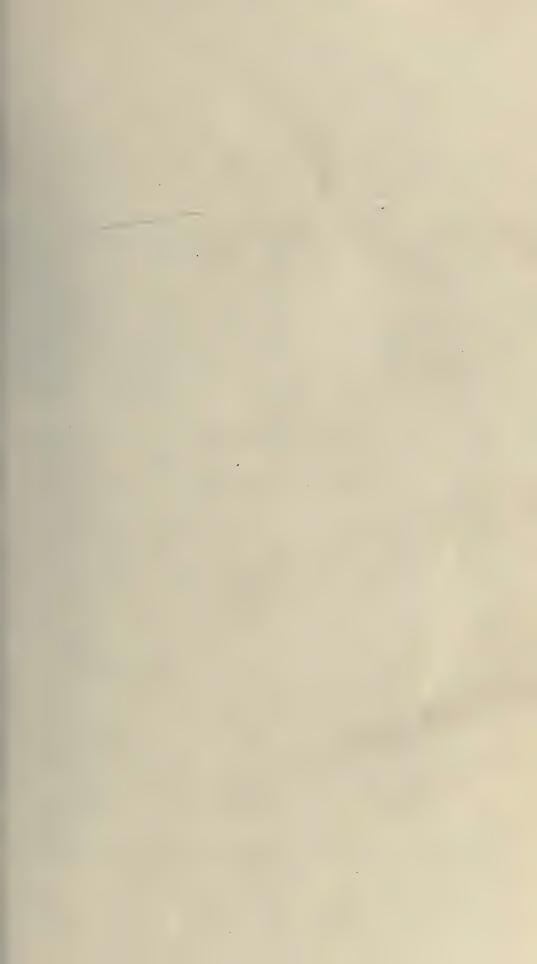
An Act to enable Louis Gagne to Practise Medicine and Surgery in certain Townships.

WHEREAS Louis Gagné of the Township of Balfour, in the Preamble. District of Algoma, and other residents of the Townships of Blezard and Hanmer, in the District of Nipissing, and of the Townships of Balfour, Rayside, Lumsden, Creighton and Dowling in the District of Algoma, in the Province of Ontario, have by their petition set forth that the said Louis Gagné graduated in medicine and surgery from Victoria College, Montreal, in the Province of Quebec, in 1890, and that the said Louis Gagné is fully qualified to practise in the Province of Quebec, and has practised medicine and surgery for about nine years at Cape St. Ignace, in the Province of Quebec, and during the past three years has lived among the said residents in the Township of Balfour aforesaid, but that not having taken the courses prescribed by the Council of the College of Physicians and Surgeons of Ontario, he is not entitled to practise medicine and surgery in the Province of Ontario; and whereas they have further set forth that about nine-tenths of the population of the said townships are French speaking people, the great majority of whom do not understand the English language, and that there is no qualified doctor in or near the said townships who is able to speak the French language, and that the said Louis Gagné is French and of their own nationality; Fand whereas on considering the said petition it has been suggested, representatives of the Medical Council being present and not objecting, that the said Louis Gagné should receive authority to temporarily continue his practice in the townships mentioned, subject to the terms and conditions hereinafter stated, and subject to such conditions that the prayer of the said petition be granted; 33

Therefore His Majesty, by and with the advice and consent. of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The said Louis Gagné, on passing the intermediate Louis Gagné and final examinations prescribed by the College of Physicians authorized to and Surgeons of Ontario at or before the fall examinations for cine in certain the year 1902, and on paying the requisite fees in that behalf, townships. may be admitted to practice as a physician and surgeon in the

Province of Ontario; and it shall be lawful for the said Louis Gagné to practise medicine and surgery in the District of Algoma as hereinbefore mentioned in the meantime without incurring any liability under the penal clauses of *The Medical Act.* 



5th Session, 9th Legislature, 2 Edward VII., 1902.

### BILL.

An Act to enable Louis Gagné to Practise Medicine and Surgery in certain Townships.

First Reading, 23rd January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Loughrin.

PRINTED BY L. K. CAMERON
Printer to the King's Most Excellent Majesty.

TORONTO:

An Act respecting the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited.

WHEREAS the Port Dalhousie, St. Catharines and Thorold Preamble. Electric Street Railway Company, Limited, has by its petition prayed that an Act may be passed authorizing it to lease or sell its undertakings, rights, franchises, lines, assets 5 and properties, real and personal, to the Niagara, St. Catharines and Toronto Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, 10 enacts as follows :-

1. The Port Dalhousie, St. Catharines and Thorold Electric Transfer to Street Railway Company, Limited, may transfer by agreement Niagara, St. of lease or sale on such terms as may be agreed an arith the of lease or sale, on such terms as may be agreed on with the and Toronto Niagara, St. Catharines and Toronto Railway Company, its Ry. Co. authorized.

15 undertakings, rights, franchises, lines, assets and properties, real and personal, but no such agreement shall prejudice or affect the rights of creditors or persons having claims against or contracts with the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited, and such 20 agreement shall be subject to the rights, positions and powers

of any municipal corporation under any statute, by-law. agreement or otherwise and every such claim and contract, and all such rights, positions and powers may be exercised and enforced as against and with respect to the Niagara, St. Cathar-

25 ines and Toronto Railway Company and the undertakings, rights, franchises, lines, assets and properties so transferred to it, in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the Port Dalhousie, St. Catharines and Thorold

30 Electric Street Railway Company, Limited, and its undertakings, rights, franchises, lines, assets and properties. nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

2. No agreement made under the authority of this Act shall Approval of be binding or shall be acted on unless and until it is approved of shareholders. by a vote of shareholders of each of the companies parties thereto holding at least two-thirds of the shares of the capital stock of such company represented in person or by proxy at a special meeting of the shareholders of the company called for considering such agreement, but upon such approval being given by the shareholders of each company the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

Lord's Day Observance laws not to be affected.

3. Any lease or sale authorized by this Act shall be without prejudice to the laws of Ontario heretofore or hereafter 10 enacted respecting the observance of the Lord's Day.



5th Session, 9th Legislature, 2 Edward VII., 1902.

An Act respecting the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited.

First Reading, , 1902.

(Private Bill.)

Ni .

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty. TORONTO: An Act to amend the Act incorporating the Haliburton, Whitney and Mattawa Railway Company.

WHEREAS the Haliburton, Whitney and Mattawa Railway Preamble. Company has petitioned for an Act to extend the times for the commencement and completion of its railway, and for altering the location of the said railroad between the Village 5 of Whitney, in the Township of Airey, and the Town of Mattawa, on the Ottawa River, so as to assure a more direct route between these two points; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Section 2 of the Act of Incorporation of the said company 62 Vict., c. 94, being Chapter 94, 62 Victoria, is hereby amended by striking 8. 2, amended. out all of the said section after the word "easterly" in the 15 eleventh line of the said section, and by inserting in its place line. the following words: "Northerly direction in the most direct

and feasable route to a point at or near the Town of Mattawa

2. Section 52 of the said Act is hereby amended by extends. 52, amended
10 ing the time for the commencement of the said railway to
11 three years and its completion to five years from the passing mencement of this Act.

on the Ottawa River."

and comple-

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to amend the Act incorporating The Haliburton, Whitney and Mattawa Railway Company.

First Reading, 1902.

(Private Bill.)

Mr. Pyne.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act incorporating the Haliburton, Whitney and Mattawa Railway Company.

WHEREAS the Haliburton, Whitney and Mattawa Railway Preamble. Company has petitioned for an Act to extend the times for the commencement and completion of its railway, and for altering the location of the said railroad between the Village of Whitney, in the Towr ship of Airey, and the Town of Mattawa, on the Ottawa River, so as to assure a more direct route between these two points; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Session of the 62nd year of the reign of Her late Majesty 8. 2, amended. Queen Victoria, intituled An Act to incorporate The Haliburton, Whitney and Mattawa Railway Company, is amended by striking out all of the said section after the word "in" in the eleventh line thereof and by substituting therefor the following words, "a northerly direction in the most direct and feasible route to a point at or near the Town of Mattawa, on the Ottawa River."

2. Section 52 of the said Act is repealed and the following 62 Vict., c. 94, substituted therefor:—

and completed within five years after the passing of this Act. me mencement and completed within five years after the passing of this Act. mencement and completion.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to amend the Act incorporating The Haliburton, Whitney and Mattawa Railway Company.

(Reprinted as amended by Kailway Committee.) First Reading,

1902.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL

An Act to Incorporate The Aylmer St. Thomas and London Electric Railway, Company.

WHEREAS James Charles Dance of the Township of South Preamble. Dorchester, in the County of Elgin, yeoman, George Avery Anderson, of the City of St. Thomas, in the County of Elgin, commercial traveller, John Wadell Cooke, of the Town 5 of Ingersoll, in the County of Oxford, exporter, George Sutherland of the City of Chicago, in the State of Illinois, one of the United States of America, journalist, and Alfred Thomas Hobbs, of the City of London, in the County of Middlesex, physician, have by their petition prayed that they may 10 be incorporated under the name of "The Aylmer, St. Thomas and London Electric Railway Company," for the purpose of constructing and operating electric railways from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships of Malahide and Yarmouth, in the 15 County of Elgin, the City of St. Thomas, in the County of Elgin, the Township of Southwold, in the County of Elgin, and the Township of Westminster in the County of Middlesex, to a point in or near, or through the City of London, in the said County of Middlesex. with a branch from St. Thomas to 20 a point in or near the Village of Port Stanley, in the said County of Elgin; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Chtario, enacts 25 as follows:

Dorchester, in the County of Elgin, yeoman, George Avery Anderson, of the City of St. Thomas, in the County of Elgin, commercial traveller, John Wadell Cooke, of the Town of 30 It gersoll, in the County of Oxford, exporter, George Sutherland, of the City of Chicago, in the State of Illinois, one of the United States of America, journalist, and Alfred Thomas Hobbs, of the City of London, in the County of Middlesex, physician, and such other persons and corporations as shall here-35 after become shareholders of the said company, are hereby

constituted a body corporate and politic, under the name of The Aylmer, St. Thomas and London Electric Railway Company.

1. The said James Charles Dance, of the Township of South Incorporation.

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter, and keep in repair iron or steel railways, to be operated by electricity, with double or single iron or steel tracks, from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships, of Malahide and Yarmouth, in the County of Elgin, the City of St. Thomas, in the County of Elgin, the Township of Southwold, in the County of Elgin, and the Township of Westminster, in the County of Middlesex, to a point in or near or through the City of London, in the said 10 County of Middle ex, with a branch from St. Thomas to a point in or near the Village of Port Stanley, in the said County of Elgin, and the said railways or any of them or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporat- 15 ions having jurisdiction over the same and subject to the restrictions and provisions therein, and in "The Electric Railway Act, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between 20 the company and the road companies (if any) intere-ted in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in 25 "The Electric Railway Act," and in "The Municipal Act, and any Act or Acts amending the same.

Rev. Stat. c.

209.

Rev. Stat. c. 209 Rev. Stat. c. 223.

Agreements for connection etc., with other comparies.

3. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully auth rized to 30 construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be law- 35 ful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any 40 motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special 45 general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the 50 same manner as if incorporated with there own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion

- 5 of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality
- 10 or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

15 4. The said James Charles Dance of the Township of South Provisional Dorchester in the County of Elgin, yeoman, George Avery Anderson of the City of St Thomas in the County of Elgin, commercial traveller, John Wadell Cooke of the Town of Ingersoll in the County of Oxford, exporter, George Suther-

20 land of the City of Chicago in the State of Illinois, one of the United States of America, journalist, and Alfred Thomas Hobbs of the City of London in the County of Middlesex, physician, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the

25 said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

- 5. All meetings of the provisional board of directors of the Meetings of said company shall be held at the City of St. Thomas in the provisional directors.

  30 County of Elgin.
  - 6. The date of the annual meeting of the shareholders shall Date of anbe fixed by the by-laws of the said company.
  - 7. The capital stock of the said company shall be \$500,- Capital stock. 000 to be divided into 5,000 shares of \$100 each.
- 35 8. The said capital stock of the said company of \$500,000 Application of shall be applied and appropriated towards the construction of tions of line. the said railways in the following manner: \$150,000 to the section thereof from Aylmer to St. Thomas, \$200,000 to the section thereof from St. Thomas to London, and \$150,000 to the

40 section thereof from St. Thomas to Port Stanley. When and so soon as 25 per cent. of the authorized capital appropriated to any such section, shall be subscribed, and ten per cent. of such authorized capital has been paid into some chartered bank in Ontario, the provisional directors

45 shall call a meeting of the shareholders of the said company for the purpose of organization, at St. Thomas, at such time as they think proper, giving the notice prescribed by The

Electric Railway Act, at which meeting the share-holders who have paid at least 10 per cent. of the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect five persons to be directors of the said company.

Head office.

9. The head office of the said company shall be at the City of St. Thomas, in the County of Elgin.

Special rates for milk, etc. 10. The company may make special rates for the carriage of fruit, milk and other perishable freight.

Bonding powers. 11. The directors of the said company shall have power to 10 issue bonds and debentures of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds or debentures shall not exceed \$15,000 for each mile of said railway, and no bonds or debentures shall be issued until twenty-five per cent. of the authorized capital appropriated to any one of the sections has been actually expended on such section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act*.

Rev. Stat. c. 209,

Construction of line by sections.

Rev. Stat. c. 209.

12. The company is hereby authorized and empowered to 20 take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the 25 provisions of section 27 of The Electric Railway Act and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the 30 company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric 35 Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said 40 railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to plans and surveys.

13. The several clauses of The Llectric Railway Act, Application of and of every act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

10 14. The railways, or such sections thereof as are author Time for comized by this Act, shall be commenced within two years, and shall be completed within five years from the passing hereof.





5th Session, 9th Legislature, 2 Edward VII., 1902.

### BILL.

An Act to incorporate The Aylmer, St. Thomas and London Electric Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. Robson.

TORONTO:

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act to Incorporate The Middlesex and Elgin Inter-urban Railway, Company.

HEREAS James Charles Dance of the Township of South Preamble. Dorchester, in the County of Elgin, yeoman, George Avery Anderson, of the City of St. Thomas, in the County of Elgin, commercial traveller, James Brodie McLaren, of the Town of Ingersoll, in the County of Oxford, exporter, George Sutherland of the City of Chicago, in the State of Illinois, one of the United States of America, journalist, and Alfred Thomas Hobbs, of the City of London, in the County of Middlesex, physician, have by their petition prayed that they may be incorporated under the name of "The Middlesex and Elgin Inter-urban Railway Company," for the purpose of constructing and operating electric railways from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships of Malahide and Yarmouth, the City of St. Thomas, and the Township of Southwold, all in the said County of Elgin, and the Township of Westminster in the County of Middlesex, to a point in or near, or through the City of London, in the said County of Middlesex, with a branch from the said City of St. Thomas to a point in or near the Village of Port Stanley, in the said County of Elgin; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Contario, enacts as follows:

1. The said James Charles Dance, George Avery Anderson, Incorporation. James Brodie McLaren, George Sutherland and Alfred Thomas Hobbs, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Middlesex and Elgin Inter-urban Railway Company."

2. The said company is hereby authorized and empowered Location of to survey, lay out, construct, make, complete, alter, and keep line. in repair iron or steel railways, to be operated by electricity, with double or single iron or steel tracks, from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships, of Malahide and Yarmouth, the City

of St. Thomas, and the Township of Southwold, all in the said County of Elgin, and the Township of Westminster, in the County of Middlesex, to a point in or near or through the City of London, in the said County of Middle ex, with a branch from the said City of St. Thomas to a point in or near the Village of Port Stanley, in the said County of Elgin, and the said railways or any of them or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein, and in The Electric Railway Act, and hereinafter contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways and as to any portion of the said railway to be constructed over a toll road in the said County of Elgin then also under and subject to agreement between the corporation of the said County of Elgin and the said company; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions in The Electric Railway Act, and in The Municipal Act, and any Act or Acts amending the same, and in this Act contained.

Rev. Stat. c. 209. Rev. Stat. c.

Rev. Stat. c.

Agreements for connection etc., with other comparies.

3. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the

railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

4. The authority and power conferred on the company by Power as to this Act to enter into agreements with any other railway com- with other pany for connections, running arrangements, sale, lease or companies to hiring of the said railways shall be subject to such terms, regulations. conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

5. The said James Charles Dance, George Avery Anderson, Provisional James Brodie McLaren, George Sutherland and Alfred Thomas directors. Hobls, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

6. All meetings of the provisional board of directors of the Meetings of said company shall be held at the City of St. Thomas in the provisional directors. County of Elgin.

- 7. The date of the annual meeting of the shareholders shall Date of anbe fixed by the by-laws of the said company.
- 8. The capital stock of the said company shall be \$500,- Capital stock. 000 to be divided into 5,000 shares of \$100 each.
- 9 The said capital stock of the said company of \$500,000 Application of shall be applied and appropriated towards the construction of capital to sections of line. the said railways in the following manner: \$150,000 to the section thereof from Aylmer to St. Thomas, \$200,000 to the section thereof from St. Thomas to London, and \$150,000 to the section thereof from St. Thomas to Port Stanley. When and so soon as 25 per centum of the authorized capital appropriated to any such section, shall be subscribed, and ten per centum of such authorized capital has been paid into some char-

tered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at the City of St. Thomas, at such time as they think proper, giving the notice prescribed by The Electric Railway Act, at which meeting the shareholders who have paid at least 10 per centum of the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect five persons to be directors of the said company.

Rev. Stat. c. 209.

Head office.

10. The head office of the said company shall be at the City of St. Thomas, in the County of Elgin.

Special rates for milk, etc.

11. The company may make uniform pecial rates for the carriage of fruit, milk and other perishable freight.

Bonding powers.

12 The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds or debentures shall not exceed \$15,000 for each mile of said railways, and no bonds or debentures shall be issued until twenty-five per centum of the authorized capital appropriated to any one of the sections has been actually expended on such section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act*.

Rev. Stat. c. 209.

Construction of line by sections.

Rev. Stat. c. 209.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of The Electric Railway Act and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every or the clauses of the said Electric Railway Act and the amendments thereof applied to, included in cr incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the suid railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited accordin to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys". 48 The construction of the railways in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway, provided, however, that the Lieutenant Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway. The

any Statute of the Province, no municipality shall have the begranted by power to grant to said railways any exclusive rights, municipalities privileges, or franchise as to the transmission of electrical energy for power, light and heat, over or across any public highway or street in said municipality.

15. The several clauses of The Electric Railway Act, Application of and of every act in amendment thereof shall be incorporated Rev. Stat. o. 209. with and be deemed to be part of this Act, and shall apply to the company, and to the rail ways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

16. The railways, or such sections thereof as are author Time for comized by this Act, shall be commenced within two years, and mencement shall be completed within five years from the passing hereof. tion.

17. Notwithstanding anything in this Act contained the Operating in railways shall not be constructed within the limits of any city cities. except upon and subject to such terms and conditions as may be mutually agreed upon between the company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the city streets to be used for the entrance of the railways to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.





5th Session, 9th Legislature, 2 Edward VII., 1902.

## В111.

An Act to incorporate The Middlesex and Elgin Inter-urban Railway Company.

First Reading, 28th January, 1902.

(Reprinted as amended by the Railway Committee.)

Mr. Robson.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL.

An Act to incorporate the Brantford Young Women's Christian Association.

HEREAS an association under the name of "The Brant-Preamble. ford Young Women's Christian Association" was incorporated on the eleventh day of May, 1895, under the Act respecting Benevolent Provident, and Other Societies being chap-5 ter 72 of the Revised Statutes of Ontario 1887, and has since existed in the City of Brantford, having for its object the promotion of the spiritual, intellectual, social and physicial welfare of young women, without reference to social or denominational distinction, under the constitution and by-laws 10 of the said association, with power to amend or repeal the same, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter 15 provided and that the powers of the said corporation may be defined and enlarged; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 20 as follows:

1. The incorporation of the said association is confirmed and Incorporation. The Brantford Young Women's Christian Association is declared to be a body corporate and politic and duly incorporated under the provisions of the Act respecting Benevolent Provident 25 and Other Societies, with the rights, powers and privileges in the said Act and the certificate of incorporation of the said association mentioned, and all the real and personal estate, property, assets and effects, and all present and future grants, devices, legacies and bequests, and all titles, securities and in-30 struments and all rights, claims and liabilities in favor of or against The Brantford Young Women's Christian Association are declared to be vested in and shall enure to or against The Brantford Young Women's Christian Association as fully and effectually to all intents and purposes as if the said asso-35 ciation had been incorporated by an Act of the Province of Ontario. And the said corporation shall have power to acquire and hold real estate in the City of Brantford, providing the annual value of the real estate so held and not actually used

for the work of the said association shall not exceed at any one time \$10.000. and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value 5 of the same shall not at any one time exceed \$5000) by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same; and the 10 proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities for the use of the said corporation; and such estate or interest therein as may not within the said period be aleniated or disposed of shall revert to the party from whom the same was acquired, 15 his heirs and representatives.

Objects of Corporation.

2. The object of the said corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young women by the maintenance and support of meetings, lectures, classes, reading rooms, library and such other means 20 as may from time to time be determined upon.

Constitution of by-laws.

3. The constitution and by-laws by which the said association is now governed shall continue to be the constitution and bylaws of the said corporation; but they, or any of them, may be added to, amended or repealed, and others substituted there-25 for in the manner and subject to the conditions and provisions therein stated.

Officers of as-

4. The officers and members of the board of directors of the sociation con-association at the time of the passing of this Act shall be the officers and members of the board of directors of the said cor- 30 poration, and shall retain their respective offices and positions until others shall be elected in their place.

Annual re-

5. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other 35 information as the Lieutenant-Governor may require.

Application of

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Real estate vested in corporation.

7. The real estate vested in the said corporation shall continue to be subject to existing encumbrances thereon, and shall be managed and controlled by the board of directors who shall be elected in accordance with the constitution and bylaws of the corporation, and the real estate shall not, nor shall 45 any part thereof, be liable for any future debts or obligations

unless the debt or obligation shall have been contracted with the consent of the board of directors, expressed by resolution duly passed and recorded.

- 8. The corporation may by by-law increase or decrease the Number of 5 number of directors and provide as to their qualification, mode directors. of election, and the time for which they shall hold office.
- 9. The said corporation shall have power to establish a sys-Techinical tem of technical education, including such branches of science Education. and the development of such of the industrial arts as the 10 board of directors of the said corporation may from time to time determine.

10. The buildings of The Brantford Young Women's Chris- Exemption tian Association and the land whereon the same are erected, from taxation. so long as the same are occupied by and used for the purposes 15 of the association shall be exempt from taxation.

11. Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed. and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer 20 or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, 25 promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever 30 to any third party therefor.

INO. 1.

## BILL.

An Act to incorporate The Brantford Young Women's Christian Association.

First Reading,

, 1902.

(Private Bill.)

Mr. PRESTON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Brantford Young Women's Christian Association.

WHEREAS an as-ociation under the name of "The Brant-Preamble. ford Young Women's Christian Association" was incorporated on the elevent's day of May, 1895, under the Act respecting Benevolent, Provident and Other Societies being chapter 172 of the Revised Statutes of Ontario, 1887, and has since existed in the City of Brantford, having for its object the promotion of the spiritual, intellectual, social and physicial welfare of you g women, without reference to social or denominational distinction, under the constitution and by-laws of the said association, with power to amend or repeal the same, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter provided and that the powers of the said corporation may be defined and enlarged; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The incorporation of the said association is confirmed and Incorporation. The Brantford Young Women's Christian Association is declared to be a body corporate and politic and duly incorporated under the provisions of the Act respecting Benevolent, Provident and Other Societies, with the rights, powers and privileges in the said Act and the certificate of incorporation of the said association mentioned, and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies and bequests, and all titles, securities and instruments and all rights, claims and liabilities in favor of or against The Brantford Young Women's Christian Association are declared to be vested in and shall enure to or against The Brantford Young Women's Christian Association as fully and effectually to all intents and purposes as if the said association had been incor orated by an Act of the Province of Ontario. And the said corporation shall have power to acquire and hold real estate in the City of Brantford, providing the annual value of the real estate so held and not actually used

- ..

for the work of the said association shall not exceed at any one time \$10.000. and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed \$5000) by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, so county or municipal debentures or other approved securities, of for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

#### Objects of Corporation.

2. The object of the said corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young women by the maintenance and support of meetings, lectures, classes, reading rooms, library and such other means as may from time to time be determined upon.

### Constitution of by-laws.

3. The constitution and by-laws by which the said association is now governed shall continue to be the constitution and bylaws of the said corporation; but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

### Officers of as-

4. The officers and members of the board of directors of the sociation con-tinued. association at the time of the passing of this Act shall be the officers and members of the board of directors of the said corporation, and shall retain their respective offices and positions until others shall be elected in their place.

#### Annual reburns.

5. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

### Application of funds.

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

#### Real estate vested in corporation.

7. The real estate vested in the said corporation shall continue to be subject to existing encumbrances thereon, and shall be managed and controlled by the board of directors who shall be elected in accordance with the constitution and bylaws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations unless the debt or obligation shall have been contracted with the consent of the board of directors, expressed by resolution duly passed and recorded.

- 8. The corporation may by by-law increase or decrease the Number of number of directors and provide as to their qualification, mode directors. of election, and the time for which they shall hold office
- 9. The said corporation shall have power to establish a sys- Technical tem of technical education, including such branches of science Education. and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

10. The buildings of The Brantford Young Women's Chris- Exemption tian Association and the land whereon the same are erected, from taxation. so long as the same are occupied by and used for the purposes of the association shall be exempt from taxation.

- 11. Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor.
- (2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act to incorporate The Brantford Young Women's Christian Association.

First Reading, 28th January, 1902.

(Reprinted as amended by the Private Bils Committee.)

Mr. Preston.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act respecting The Synod of the Diocese of Niagara

HEREAS the Synod of the Diocese of Niagara (herein- Preamble. after called the Synod) has by its petition prayed that an Act may be passed confirming and declaring valid a Canon, called a "Canon on Differences," passed at the session 5 of said Synod held in the year 1901, said Canon relating to the settlement of differences between clergymen of the Diocese of Niagara and their parishioners; and whereas it is desirable that such Canon should be confirmed and declared valid and it is expedient to grant the prayer of the said petition;

- 10 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-
- 1. The Canon of the Synod adopted at the session thereof Canon on held in the year 1901, and set out in the schedule to this Act, differences confirmed. 15 is hereby ratified, confirmed and declared to be valid and all the powers and provisions in the said Canon contained shall be valid and binding as fully and as effectually and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act.

- 2. The Bishop of the Diocese of Niagara for the time being Powers of may, at any time, suspend or remove from his benefice the Bishop as to suspending or incumbent of any rectory, parish or mission within the Diocese removing inof Niagara, as provided by the said Canon or by any amend- cumbent etc. ment thereof adopted by the Synod.
- 3. Every order of the Bishop of said Diocese as aforesaid Enforcing made under the said Canon, or any amendment thereof, adopted Bishop. by the Synod, shall be enforcible as provided by the said Canon after the proceedings therein prescribed, or which may be prescribed by any Canon adopted by the Synod, have been 30 taken.
  - 4. The Synod may repeal, alter or amend the said Canon.

Canon may be repealed or amended.

### SCHEDULE A.

### CANON ON DIFFERENCES.

- 1. Whenever the Bishop of the Diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese and communicants resident in the said rectory, parish or mission, or that that the condition of the rectory, parish or mission, is in any respect such as to require investigation, the Bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical an I one lay member of the Synod of the Diocese, whose duty it shall be to proceed to the rectory, parish or mission and endeavor, if possible, to bring about a settlement of the differences existing therein or the removal of any grievances or cause of scandal or other hindrance to the peace or prosperity of the rectory, parish or mission.
- 2. Within one month after their appointment the said committee shall report in writing to the Bishop, and if the said committee by their said report declare that they have failed to bring about a settlement of the differences or a satisfactory condition of affairs, and that for causes named in the report (not being subjects for investigation under a Canon or Church discipline), the said committee consider it to b detrimental to the interests of the Church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in said report, the Bishop shall issue a commission to two clergyman and one layman (who shall be either the chancellor of the diocese or some other member of the Synod being a barrister of at least ten years' standing, and who shall be the chairman of the said commission) empowering the commissioners therein named to hold any investigation.
- 3. As soon as conveniently may be after the issue of the commission, the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission, and to the churchwardens and lay representatives thereof, and the petitioners for the commission of enquiry (if any) of the time and place at which the commissioners will hold their meetings.
- 4. The commissioners may proceed in the matter of enquiry ex parte if either or any one or more of the parties affected thereby refuse or neglect to attend before them after due notice in writing and without reasonable excuse.
- 5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the Diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.
- 6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable, and in case the needed power in that behalf be granted by the Legislature, he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

Provided that no clergyman who has complied with the requirements of the Canon on the Aged and Disabled Clergy Fund shall be suspended or removed solely for old age or disability unless or until there is available for him when he applies to be put on the Fund the annuity to which he would be entitled by length of service in case of a voluntary resignation and application.



5th Session, 9th Legislature. 2 Edward VII., 1902.

# BILL.

An Act respecting the Synool of the Diocese of Niagara.

First Reading,

, 1902.

(Private Bill).

Mr. Carscallen.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting The Synod of the Diocese of Niagara

HEREAS the Synod of the Diocese of Niagara (herein-Preamble. after called the Synod) has by its petition prayed that an Act may be passed confirming and declaring valid a Canon, called a "Canon on Differences," passed at the session of said Synod held in the year 1901, said Canon relating to the settlement of differences between clergymen of the Diocese of Niagara and their parishioners; and whereas it is desirable that such Canon should be confirmed and declared valid and no one has appeared to oppose the said petition: and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The Canon of the Synod adopted at the session thereof Canon on held in the year 1901 and set out in the schedule to this Act, difference is hereby ratified, confirmed and declared to be valid and all confirmed. the powers and provisions in the said Canon contained shall be valid and binding as fully and as effectually and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act.

2. The Bishop of the Diocese of Niagara for the time being Powers of may, at any time, suspend or remove from his benefice the Bishop as to incumbent of any rectory, parish or mission within the Diocese removing inof Niagara, as provided by the said Canon or by any amend- cumbent etc. ment thereof adopted by the Synod.

3. Every order of the Bishop of said Diocese as aforesaid Enforcing made under the said Canon, or any amendment thereof, adopted orders of Bishop. by the Synod, shall be enforcible as provided by the said Canon after the proceedings therein prescribed, or which may be prescribed by any Canon adopted by the Synod, have been taken.

4. The Synod may repeal, alter or amend the said Canon.

Canon may be repealed or amended.

### SCHEDULE A.

### CANON ON DIFFERENCES.

- 1. Whenever the Bishop of the Diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese and communicants resident in the said rectory, parish or mission, or that that the condition of the rectory, parish or mission, is in any respect such as to require investigation, the Bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical and one lay member of the Synod of the Diocese, whose duty it shall be to proceed to the rectory, parish or mission and endeavor, if possible, to bring about a settlement of the differences existing therein or the removal of any grievances or cause of scandal or other hindrance to the peace or prosperity of the rectory, parish or mission.
- 2. Within one month after their appointment the said committee shall report in writing to the Bishop, and if the said committee by their said report declare that they have failed to bring about a settlement of the differences or a satisfactory condition of affairs, and that for causes named in the report (not being subjects for investigation under a Canon on Church discipline), the said committee consider it to be detrimental to the interests of the Church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in said report, the Bishop shall issue a commission to two clergyman and one layman (who shall be either the chancellor of the diocese or some other member of the Synod being a barrister of at least ten years' standing, and who shall be the chairman of the said commission) empowering the commissioners therein named to hold any investigation.
- 3. As soon as conveniently may be after the issue of the commission, the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission, and to the churchwardens and lay representatives thereof, and the petitioners for the commission of enquiry (if any) of the time and place at which the commissioners will hold their meetings.
- 4. The commissioners may proceed in the matter of enquiry ex parte if either or any one or more of the parties affected thereby refuse or neglect to attend before them after due notice in writing and without reasonable excuse.
- 5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the Diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.
- 6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable, and in case the needed power in that behalf be granted by the Legislature, he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

Provided that no clergyman who has complied with the requirements of the Canon on the Aged and Disabled Clergy Fund shall be suspended or removed solely for old age or disability unless or until there is available for him when he applies to be put on the Fund the annuity to which he would be entitled by length of service in case of a voluntary resignation and application.



5th Session, 9th Legislature. 2 Edward VII., 1902.

### BILL

An Act respecting the Synod of the Diocese of Niagara.

First Reading, 28th January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Carscallen.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to authorize the Royal Trust Coa pany to do business in the l'rovince of Untario.

WHEREAS The Royal Trust Company (hereinafter called Preamble, "The Company") has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Quebec passed in the 55th and 56th year of the 5 reign of Her late Majesty Queen Victoria, Chapter 79, (1892), which said Act was amended by an Act of the said Legislature passed in the same year, Chapter 80 (1892), and was further amended by an Act of the said Legislature passed in the 59th year of the reign of Her said late Majesty, Chapter 67 10 (1895), and was further amended by an Act of the said Legislature passed in the 63rd year of the reign of Her said late Majesty, Chapter 76 (1900), and that its present capital is five hundred thousand dollars all of which has been issued and allotted and of which fifty per cent., or two hundred and fifty 15 thousand dollars has been paid in cash; and whereas "The Company" has by its petition prayed for the passing of an Act authorizing it to carry on and exercise in the Province of Ontario the same business and powers as under the said recited Acts it is authorized to carry on and exercise in the Pro-20 vince of Quebec, and to the like extent.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. "The Company" shall, upon filing with the registrar Power to 25 appointed under The Loan Corporations Act the power of carry on busi attorney required by section 10s of the said last mentioned Ontario. Act, be authorized and empowered to carry on and exercise in the Province of Ontario the same business and powers as under the said recited Acts it is authorized to carry on and 30 exercise in the Province of Quebec, and to the like extent.

2 "The Company" in particular is hereby specially auth-General powers or conjugate and empowered,

(1) To accept, fulfil and execute all such trusts as may be Execution of committed to "The Company" with its assent, by any person trusts or corporation or court, and to take, receive, old and convey all estates and property but rear and personal which may be

granted, committed, transferred or conveyed to "The Company with its assent, upon any such trust or trusts.

Act as receiver, assignee, etc. (2) To accept, hold and execute all or any of the offices of receiver, trustee, assignee, trustee for the benefit of creditors, liquidator, executor, or administrator, if and when appointed 5 thereto by any person, or corporation or Court, and in case the Lieutenant-Governor in Council approves of "The Company" being accepte by the High Court of Justice for Ontario as a trust company for the purposes of such court, the said court or any judge thereof and every other court or judge having 10 authority to appoint to such an office, is hereby authorized and empowered with the consent of "The Company" to appoint "The Company" to exercise any of the said offices in respect of any estate or person under the authority of such court or judge, or to grant to "The Company" probate of any 15 will in which "The Company" in named an executor.

"The Company" when so approved may be appointed to be a sole trustee notwithstanding that but for this Act it would be nece-sary to appoint more than one trustee, and also may be appointed trustee jointly with another person.

Such appointment may be made whether the trustee is 20 necessitated or required under the provisions of any deed, will or document creating a trust or whether the appointment is under the provisions of the Act respecting trustees and excutors and the administration of estates, or otherwise.

If so approved as aforesaid, notwithstanding any rule of 25 practice or any provision of any Act requiring security, it shall not be necessary for "The Company" to give any security for the due performance of its duty as such receiver, trustee, assignee, trustee for the benefit of creditors, liquidator, executor, or administrator, unless otherwise ordered.

Extent of liabilities of company.

3. The liability of "The Company" to all persons interested in real or personal property held by "The Company" as receiver, trustee, assignee, trustee for the benefits of creditors, liquidator, executor or administrator as afore-aid, shall be the same as if such property had been held by any private person 35 in the like capacity, and its powers shall be the same.

Rendering accounts when called upon.

4. In case of the appointment of "The Company" to any trust or office by any such court or judge, such court or any judge thereof may, from time to time, require "The Company" to render an account of its administration of the particular 40 trust or office to which it has been so appointed; and the said High Court of Justice or any judge thereof may, from time to time, appoint a suitable person to investigate as to the security afforded to those by or for whom its engagements are held; and such person shall report thereon to such last mentioned court or 45 judge, and the expenses of such investigation shall be borne as ordered by such last mentioned court or judge.

5. If so approved by the Lieutenant-Governor in Council as Acceptance of aforesaid, the bond or policy of guarantee of "The Company" guarantee bonds as is hereby authorized to be accepted by any court or judge, or security. by any other person or corporation authorized to take security for the due performance of any duty, instead of, or in addition to, the bond or security of one or more sureties, if such court or judge or other person or corporation sees fit to accept such bond or policy as aforesaid and approves of the conditions and terms thereof, and all the provisions in any Act of the Legis-10 lature of Ontario relating to the security to he given by any public or other officer, servant or other person or corporation to whom any duty is committed or his or its surety or sureties, (including the provisions of Section 69 of the Surrogate Courts Act), shall apply to the bonds or policies of guarantee of

6. The money and securities of each trust shall always be Trust funds kept distinct from those of "The Company" and in separate how to be kept. accounts, and so marked in the books of "The Company" for each particular trust as always to be distinguished from any other 20 in the registers and other books of account kept by " The Company," so that at no time shall trust moneys form part of, or be mixed with, the general assets of "The Company.

"The Company"

15

Moneys, properties and securities received or held by "The Company upon trust or as agent of any person or corporation 25 shall not be liable for the debts or obligations of "The Company".

If under and in pursuance of the provisions of the second section of this Act "The Company" shall be appointed to any fiduciary office mentioned in such section, then all the trust 30 mon ys received by "The Company" in respect of, and as the holder of such office shall be invested according to the provisions of the deed or other instrument of trust in respect of which "The Company" is the holder of such office, or according to the law of Canada or Ontario respectively regulating invest-

35 ments of moneys received by persons in respect of and as holders of such office.

7. The chief agency of "The Company" for the Province of Chief Agency. Ontario shall be in the City of

5th Session, 9th Legislature, 2 Edward VII., 1902.

## חדדת

An Act to authorize The Royal Trust Company to do business in the Province of Ontario.

First Reading, , 1902.

(Private Bill)

Mr.

TORONTO:
PRINTED L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to authorize The Royal Trust Company to do business in the Province of Ontario.

WHEREAS The Royal Trust Company, (hereinafter called Preamble. "The Company,") has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Quebec, passed in the 55th and 56th year of the reign of Her late Majesty Queen Victoria, Chapter 79, (1892), which said Act was amended by an Act of the said Legislature passed in the same year, Chapter 80, (1892), and was further amended by an Act of the said Legislature passed in the 59th year of the reign of Her said late Majesty, Chapter 67, (1895) and was further amended by an Act of the said Legislature passed in the 63rd year of the reign of Her said late Majesty, Chapter 76 (1900), and that its present capital is five hundred thousand dollars all of which has been issued and allotted and of which 50 per cent., or two hundred and fifty thousand dollars has been paid in cash; and whereas "The Company has prayed for the passing of an Act authorizing it to transact only the business of a Trust Company in the Province of Ontario in conformity to the public general law thereof : 1

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1.— (1) After giving security to the satisfaction of the Power to Lieutenant-Governor of Ontario in Council ain a sum of not business in less than \$200,000 the company shall, upon filing with the Ontario. registrar appointed under The Loan Corporations Act the power of attorney required by section 108 of the said last mentioned Act, and upon being registered under the said Act, be authorized and empowered to carry on and exercise in the Province of Ontario the business of a Trust Company with the powers set forth in the Schedule to The Ontario Trust Companies Act

(2) The Lieutenant-Governor in Council may at any time Increase of security from or from time to time increase the amount of such security by time to time. a notice in writing to the manager or secretary of the chief agency of the company in the Province of Ontario; and if the company fails to furnish such increased security within two

months after such notice, then and thereupon the company shall *ipso facto* become disentitled and shall cease to do further business in said Province.

Chief agency in the Province. (3) The chief agency of the company for the Province of Ontario shall be in the City of Toronto, and the company shall keep at the said chief agency a manager and secretary, who, as well as other officers at the said agency, or in the said Province, shall in respect of all business transacted by the company in the said Province be absolutely subject to the control of the courts of the said Province as fully as if the head office of the company were within the said Province, and as if the company were wholly managed and controlled therein.

Investments.

(4) All the investments of the company in respect of all trust business entrusted to it in the Province of Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the High Court of Justice or of any judge thereof) be wholly invested at one or other of the agencies of the company in the said Province; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies, and under the control of the courts of the said Province. The said trust securities shall (subject to the provisions of the said instrument of trust) be securities in which trustees are by the law of the said Province authorized to invest trust funds.

Company to be subject to the general public law of Ontario relating to trust companies and trusts. (5) The company shall be limited in respect of all business relating to property, rights or interests in the Province of Ontario, to the powers mentioned in the schedule to *The Ontario Trust Companies Act*, and shall be subject to the general provisions of the said Act and of the general public law of the said Province relating to trust companies and trusts.

Trust funds how to be kept.

2.—(1) The money and securities of each trust shall always be kept distinct from those of the company, and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company, and at no time shall trust moneys form part of, or be mixed with, the general assets of the company.

Trust or agency funds not liable for debts of company. (2) Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Accounts to be rendered.

3. In case of the appointment of the company to any trust or office by any court or judge in Ontario such court or judge may at any time and from time to time require the company to render an account of its administration of the particular trust or office to which the company has been so appointed,

and and Judge of the High Court may also at any time and Investigation from time to time appoint a suitable person to investigate into combine the affairs and management of the company, and as to the pany's mansecurity afforded to those by or for whom its engagements are held, and such person shall make his report to such court or judge, and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## DILL

An Act to authorize The Royal Trust Company to do business in the Province of Ontario.

First Reading, 21st January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. PARDEE.

TORONTO.

PRINTED BY L. K. CAMEBON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate the Hamilton Suburban Railway.

HEREAS Henry T. Thurber, Alanson S. Brooks, Jeffer- Preamble. son T. Waing, Edward J. Tisdell and George Lynch Staunton have by their petition applied for an act of incorporation under the name of the "Hamilton Suburban 5 Railway" for the purpose of constructing and operating an electric railway from some point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Waterloo, in the County of Waterloo, passing through the Townships of West Flamboro, Beverly, Dumfries 10 and Waterloo, and the Towns of Galt, Preston and Berlin, also from some point in or near the Town of Galt, in the County of Waterloo, to some point in or near the City of Guelph, in the County of Wellington, passing through the Townships of Dumfries, Waterloo and Guelph and the Towns of Preston and 15 Hespeler, also from some point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the said City of Guelph, in the County of Wellington, passing

through the Townships of West Flamboro and East Flamboro, Puslinch and Guelph; and whereas it is expedient to grant 20 the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

- 1. Henry T. Thurber, Alanson S. Brooks, Jefferson T. Incorporation. 25 Waing, Edward J. Tisdell and George Lynch Staunton and such other persons and corporations as shall hereafter become shareholders in said company are hereby constituted a body corporate and politic under the name of "The Hamilton Suburban Railway."
- 2. The said company is hereby authorized and empowered Location 30 to survey, lay out, construct, complete, operate, alter and keep of line. in repair a double or single track railway, with iron or steel rails, to be operated by electricity or other motive power, excepting steam, from some point in or near the City of Ham-35 ilton, in the County of Wentworth, to some point in or near the Town of Waterloo, in the County of Waterloo, passing

through the Townships of West Flamboro, Beverly, Dumfries

and Waterloo, and the Towns of Galt, Preston and Berlin, also from some point in or near the Town of Galt, in the County of Waterloo, to some point in or near the City of Guelph, in the County of Wellington, pas-ing through the Townships of Dumfries, Waterloo and Guelph and the Towns of Preston and Hespeler, also from some point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the said City of Guelph, in the County of Wellington, passing through the Townships of West Flamboro and East Flamboro, Puslinch and Guelph, and the said railway or any part thereof 10 may be carried along and upon such public highways (including highways separating any of said municipalities) as may be or have been authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the provisions and restrictions therein and in this Act contained 15 and under and subject to any agreements made or hereafter to be made between or on behalf of the said company and the councils of any of the said corporations and between the company and the road companies [if any] interested in such highways; and the said company may make and enter into any 20 agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway or the crossing of any river or stream subject to the provisions and conditions contained in this Act and in The Municipal Act, and any Act or 'cts amending the same.

Electric telegraph and telephone lines. 3. The company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the Act respecting Telegraph Com-30 panies, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or 35 village having been or being first obtained by the company.

Steam not to be used.

4. Steam shall not be used as the motive power for the operation of the railway of the said company excepting for the purposes of construction.

Provisional directors 5. The said Henry T. Thurber, Alanson S. Brooks, Jefferson 40 T. Waing, Edward J. Tisdell and George L. Staunton (with power to add to their number) shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the share-45 holders.

Directors, number, quorum. 6. The board of directors of the said company shall consist of not less than three nor more than nine directors and a majority of such directors shall form a quorum.

- 7. No person shall be elected a director unless he or a cor · Qualification poration represented by him is the owner and holder of at of directors. least ten shares of stock in the company upon which all calls have been paid.
- 8. Aliens and companies incorporated abroad as well as Rights of British subjects and corporations, may be shareholders in the aliens said company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible 10 for office as directors in the said company.

9. When and so soon as shares to the amount of \$50,000 First meeting of capital stock in said company shall have been subscribed for election of directors. and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of

- 15 Ontario t, the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least ten
- 20 days' notice by advertisement in The Onturio Gazette, and by mailing the same as a prepaid letter duly addressed to each shareholder at the address appearing in the company's share ledger at least ten days previous to said meeting.
- 10. The head office of the company shall be at the City of Head office. 25 Hamilton or at such other place as the company may from time to time by by-law designate.
  - 11. The capital stock of the company shall be eight hun. Capital stock. dred thousand dollars, to be divided into shares of one hundred dollars each.
- 12. No subscription for stock in the capital of the company Subscriptions shall be binding on the said company unless it shall be unless apapproved by a resolution of the provisional directors or of the proved. directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after sub-35 scription.

13. The directors of the company may from time to time Calls. make such calls of money upon the respective shareholders, in respect of the amount of capital re-pectively subscribed or owing by them, as they deem necessary, and thirty days' 40 notice at least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

14.—(1) The directors may make a by-law for creating and stock. 45 issuing any part of the capital stock as preference stock, giv-

ing the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law, and such by-law may provide that the holders of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Assent of shareholders.

(2) No such by law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of those shareholders, present in person or by proxy, at a general 10 meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company.

Rights of preference shareholders.

(3) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all 15 respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Creditors' rights preserved. (4) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

Cancelling preference stock, (5) The directors of the company may, for the purpose of cancelling such preference stock or parts thereof, from time to 25 time pass by-laws providing for the purchase or acquisition by the company of such stock or parts thereof with the consent of the holders, and for the cancellation of the stock so purchased or acquired, and for the reduction pro rata according to the amount of stock so cancelled of any reserve set apart, or 30 required to be set apart, in respect of such preference stock, but no such by-law shall be valid or acted upon unless and until the same has been sanctioned by a vote of at least two-thirds in value of those shareholders of the company present in person or represented by proxy at a special general meeting 35 duly called for considering the same.

By-laws of directors.

15. The directors of the company may from time to time make by-laws not contrary to law or to this Act to regulate: --

Allotment of stock, calls.

(a) The allotment of stock, and making of calls thereon the payment thereof; the issue and registration of certificates of 40 stock; the forfeiture of stock for non-payment, the disposal of forteited stock and of the proceeds thereof; the transfer of stock.

Dividends.

(b) The declaration and payment of dividends.

Term and qualification of directors

(c) The term of service not exceeding two years; and the 50 amount of stock qualification of the directors.

- (d) The appointment, functions, duties and removal of all officers, officers, agents and servants of the company; the security to salaries. be given by them to the company, and their remuneration.
- (e) The time at which, and place where, the general and Meetings. 5 special meetings of the company shall be held, the calling of meetings, regular and special of the board of directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings.
- (f) The imposition and recovery of all penalties and for-Penalties. 10 feitures admitting of regulation by by-law.
- (g) Rules and regulations to be observed by the conductors, Running regumotormen, and other officers and servants of the company, lations. and by all other companies and persons using the railway of the company, and such regulations with regard to the con-15 struction of the motor cars, or carriages and other vehicles to be used in the trains on the railway of the company as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act and the orders and regulations of the Lieutenant-Governor in Council, and
- (h) The conduct in all other particulars of the affairs of the Generally. Company.

same; but every such by-law and every repeal, amendment of by-laws by or re-enactment thereof unless in the meantime confirmed at ing. 25 a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereof, shall at, and from that time only cease to have force, and in that case no new by-law to the same or like effe t shall have any force 30 until confirme l at a general meeting of the company; provided however that the company shall have power either at the general meeting called as aforesaid, or at the annual meeting of the company to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the direct 35 tors, but no Act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amend-

ment, variation or other dealing.

16. Annual and special general meetings of the share-General meetholders shall be held at such time and place as may be pro- ings. 40 vided by the by-laws of the company.

17. The said directors or provisional directors may pay or Payments in agree to pay in paid up stock, or in bonds of the said com-paid up stock. pany, such sums as they may deem expedient, to engineers or contractors, or for right of way or material plant or rolling 45 stock, and also subject to the sanction of a vote of the shareholders present or represented at any general meeting, for the services of the promoters or other persons who may be

And may from time to time repeal, amend or re-enact the Confirmation

employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way or material plant or rolling stock, whether such promoters or other persons be provisional or elected directors or officers of the company, or not, and any agreement so made shall be binding and conclusive on the company.

Contracts for construction or equipment.

18. The directors of the company may enter into a contract or contracts with any individual or corporation or association of individuals for the construction or equipment of 10 the line or of any part thereof including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds or in paid up stock. Provided that no such contract shall be of any force or validity until approved of by at least two thirds of the 15 shareholders present in person or by proxy at a meeting specially convened for considering the same.

Parks.

19. The company is hereby authorized to purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate, or mortgage any lands 20 or premises intended and necessary or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality; and the company is authorized to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreements or arrangements with the 25 municipal corporations of the municipalities wherein the same are situate or any of them in respect thereto; subject however to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds, provided that the total acreage of lands acquired by the company for Park purposes shall not exceed 300 acres, and provided also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Acquiring lands from municipalities, etc.

20. Any municipality through which the said railway may <sup>35</sup> pass or is situate is hereby empowered to grant by way of gift to the company or to sell to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said company shall have the power to accept gifts of land from any government or from any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

By-laws for exemption from taxation. 21. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for that purp se, to exempt the company and its property within such municipality, either in whole or in part, from municipal

assessment or taxation or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessmen's to be imposed by such municipal corporation and for 5 such term of years as such municipal corporation may seem expedient, not exceeding twenty one years at any one time, and no such by-law shall be repealed unless in conformity with a condition contained therein.

22. The company shall have full power and authority:

Powers of company.

- (1). To purchase land for and erect power houses, ware-Power houses, houses, elevators, docks, stations, workshops and offices, and to warehouses, elevators, etc. sell and convey such lands as may be found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam 15 or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.
- (2). To erect and maintain all necessary and convenient build-Stations, ings, stations, depots, wharves, and fixtures, and from time to time stock, etc. 20 to alter, repair or enlarge the same, and to build, purchase and acquire engines, motors, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

(3). To construct, maintain, and operate works for the pro- Production of duction of electricity for the motive power of the said railway electricity. and for the lighting and heating the rolling stock and other property of the company.

(4) To sell or lease any electricity not required for the pur- Disposing of 30 poses aforesaid to any person or corpora ion, and the company surp!us power. in that behalf shall subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under the Act respecting companies for 35 supplying steam, heat, electricity or natural gas for heat, light or power, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

(5). To purchase the right to convey electricity required Conducting for the working of the railway and lighting or heating the electricity over lands of 40 same over, through or under lands other than the lands of the others. said ailway, and with the consent of the councils of the municipalities affected to purchase the right to lay conduits under, or erect poles, and wires, along and upon any of the public highways, or across any of the waters in this province 45 by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such

agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

(6). To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act.

Collecting back charges on goods. 23. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the per-15 son to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

Power to purchase whole lots.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for con-20 structing, maintaining and using the said ailway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to a greater advantage than by purchasing the railway line only, the company may purchase, 25 hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell or convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of The Railway Act of Ontario shall not apply to this section.

Taking land for gravel pits, etc.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said ailway or any part thereof, the company may, in case they canuot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to 35 make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of arbitratiou, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and 40 all the provisions of The Railway Act of Ontario and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of 45 this section as to the obtaining materials as aforesaid and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time

they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

- 26—(1) When said gravel, stone, earth or sand shall be taken Sidings to under the preceding section in this Act at a distance from 5 the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be, but such distance shall not exceed two miles in length, and all 10 the provisions of The Railway Act of Ontario and of this Act except such as relate to filing plans and publications of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land of which such materials are situated; and such right of way may be so acquired for a term
- 15 of years or permanently, as the company may think proper; and the powers in this and the proceeding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.
- (2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purposes than that of constructing and maintaining the said railway.
- (3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of The Railway Act of Ontario shall not apply.
- 27. The company may at any points on or near to its line Connections of railway connect its tracks with the tracks of The Hamil- lines. 30 ton Street Railway Company, The Hamilton Radial Electric Railway Company, The Hamilton Grimsby and Beamsville Electric Railway Company, The Hamilton Electric Light and Catarct Power Company (Limited), The Toronto and Hamilton Railway Company, The Toronto Suburban Railway Com-35 pany, The Guelph Railway Company, The Berlin and Water-

loo Railway Company, The Galt, Preston and Berlin Railway Company, or any of the said companies, and for that purpose may construct or enter into an agreement with any of such companies with whose tracks such connection is made, to con-

40 struct all such works, turn-outs, switches and signals as may be necessary for the making and operating of such connection, and the said companies are hereby authorized and empowered to en'er into and perform all agreements which may be necessary or convenient to make the powers granted under this sec-45 tion available to the company.

28. The company and the said companies in the preceding Agreements section named or any of them may from time to time enter with other companies. into agreements for the following purposes:

2-10

- (a) For the making, maintenance and operation of such connections and of the works necessary therefor.
- (b) For the interchange of passengers and freight traffic between the companies party to the agreement for the use by either company of property, buildings, tracks, plant, material rolling stock, machinery, appliances and facilities of the other; for the supply of motive power, heat and light by either company to the other; and generally for services to be rendered by either company to the other.
- (c) For the making of running arrangements and the con-10 duct of the joint traffic of the two companies.
- (d) For the purchase, leasing or hiring by the company of the lands, tracks, structures, plant, rolling stock, rights, privileges and franchises and appliances of any of the said companies or any part or portion thereof upon such terms as to compen- 15 sation or otherwise as may be agreed upon.
- (e) Generally for all matters and things incidental or conducive to the purposes in this section mentioned.
- (f) Any agreement entered into under the powers conferred by this section shall be upon terms to be approved of by two 20 thirds in value of the shareholders of the company at a special general meeting to be held for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights 25 or powers upon any company which is not within the legislative authority of this province.

Taking stock in other companies. 29. The company may from time to time acquire from any shareholder of any of the companies in the next preceding section referred to any or all of the shares of the capital stock 30 in any of the companies, and the directors may by by-law appoint any person or persons to act for and represent the company at any meetings of the shareholders in any undertaking in which the company shall hold stock, and every such person shall be deemed to hold such stock in his own right 35 and shall be eligible for election as a director in respect thereof.

Agreements for supply of power. 30. The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway 40 company, or any company organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to 45 construct, carry on and operate the railway.

Operating line on highways.

31. The railway of the company shall not be constructed or operated on, upon, or along any street, highway

or public place of any municipality until first authorized by an agreement in respect thereto made between or on behalf of the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-5 law or by-laws of the council of any such municipality already or to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motive power, and the application and using thereof in so constructing, operating and working such 10 railway or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, nor to interfere with the free access to any house or other building erected in 15 the vicinity of the same and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property and provided that none of the works or property of the company shall be so constructed or placed as to injuriously

32. The company shall have power and authority to become Negotiable parties to promissory notes and bills of exchange for sums instruments, not less than one hundred dollars, and any such promissory

note or bill of exchange made, accepted or endorsed by the 25 president or vice-president of the company and countersigned by the secretary or treasurer of the company, and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been 30 made, accepted or endorsed with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or

20 interrupt navigation in navigable water.

secretary or treasurer be individually responsible for the same, 35 unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory notes or bill of exchange

bill of exchange; nor shall the president, vice-president or the

40 payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

33. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meet-powers. ing called for the purpose, at which meeting shareholders red presenting at least two-thirds in value of the subscribed stock of the company (and who have paid all calls due thereon) are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$30,000 per mile for each 50 and every mile of single track of the said railway and extend

50 and every mile of single track of the said railway and extensions and branches, such bonds, debentures or other securities

shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved, and such bonds, debentures and other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper.

- (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price 10 and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking, or may use all or any of the said bonds for the said purposes.
- (b) No such bond, debenture or other security shall be for a 15 less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being with 20 drawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work.

Securing bonds by mortgage.

- 34. The company may secure such bonds, debentures or other securities, by a mortgage deed creating such mortgage a 25 charge and encumbrance upon the whole of such property, assets, rents and revenues of the company, present or future or both, as described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and 35 remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in 40 manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.
- (c) It shall not be necessary in the exercise of the powers as 45 to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued or

mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatso ver except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to 5 comply with the provisions of the Bills of Sale and Chattel Mortgage Act, or any Act requiring the registration or renewal of mortgages or chattels; but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Pro-10 vincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth as if the provisions of the said Bills of Sale and 15 Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

35. Until they have been surrendered and lawfully can-Bonds to be celled, the bonds, debentures or other securities hereby au- first charge on company. 20 thorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company; and the privileges acquired under this Act, and the franchise, undertaking, tolls and income, rents and revenues and real and personal property thereof, at any time acquired, save and

(a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgage or encumbrancer upon the said securities pro rata with all other holders, and no pro-30 ceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

25 except as provided for in the next preceding section.

- 36. If the company makes default in paying the principal Enforcing 35 of or interest on any of the bonds, debentures or other bonds in case securities hereby authorized at the time when the same, by of default. the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of 40 bonds, debentures or other securities so being and remaining in default, shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at the general meetings as would attach to them as shareholders if they held fully paid-up 45 shares of the company to a corresponding amount.
- (a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other s curity in respect of which he claims to exercise such rights has been 50 registered in his name, in the same manner as the shares of

the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

Bonds, etc., mode of transferring.

37 All bonds, debentures, or other securities hereby authorized may be made payable to bearer and shall in that case be transferable by delivery until the registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered by written trans- 15 fers, registered in the same manner as in the case of the transfer of shares.

Application of certain provis-ions of Rev. Stat. c 287.

38. The several clauses of The Railway Act of Ontario, Chapter 207, R.S.O., 1897, numbers 8 to 20 (excepting subsections 19, 20, 21, 22 and 23 of section 9), 29 (excepting sub- 20 section 4), 31 to 38, all inclusive, 40, 42, 81 to 90, both inclusive, and 109, subsections 1, 2, 3, 4, 10, 11, 12 and 13, of section 41, all inclusive, shall be incorporated with and deemed part of this Act and shall apply to the company and to the railways hereafter to be constructed or acquired by them 25 except only so far as they may be inconsistent with the express enactments thereof, and the expression, "This Act." when used herein, shall be understood to include the said clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. 30

Rev. Stat. c. 209 not to apply to company.

39. The Electric Railway Act shall not apply to the company or to the line of railway constructed and operated or to be constructed and operated by it.

Form of conveyance to company.

40. Conveyances of land to the company for the purpose of and powers given by this Act made in the form set forth 35 in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively of all persons executing the same and such conveyances shall be registered in the same 40 manner and upon such proof of execution as is required under the Registry Laws of Ontario and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof. 45

May cross

41. Notwithstanding any provision to the contrary in any other railways other Act the company's railway may cross the railway of

any other company upon a level therewith with the consent of such other company or with the authority of the railway committee of the Privy Council of Canada or of the Commissioner of Public Works for Ontario.

42. Any lands or chattel property which may have become Releasing no longer useful or necessary for the purposes of the company property no may be released by the trustees of any mortgage securing the quired. bonds of the company if a provision for such release is contained in the mortgage, and the eafter such released lands or 10 chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company.

43. The railway shall be commenced within three years Time for comand finally completed within five years after the passing of mencement and com-15 this Act. pletion.

### SCHEDULE A.

Know all men by these presents that I, (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Hamilton Suburban Railway, the receipt whereof is hereby acknowledged, do grant and convey unto the said The Hamilton Suburban Railway, and I, (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said The Hamilton Suburban Railway for the purposes of its railway, to hold with the appurtenances unto the said The Hamilton Suburban Railway their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I, (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this one thousand nine hundred and two.

Signed, sealed and delivered, in the presence of

No. 10.

5th Session, 9th Legislature. 2 Edward VII., 1902.

## BILL.

An Act to incorporate the Hamilton Suburban Railway.

First Reading,

1902.

(Private Bill.)

Mr. WARDELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act to incorporate The Huronian Company, Limited.

WHEREAS Robert Means Thompson, of the City of Preamble. Bayonne in the State of New Jersey, gentleman; John Jamieson Thompson of the City of Bayonne, in the State of New Jersey, gentleman; Robert Gilmour Leckie, of Truro, in 5 the Province of Nova Scotia, engineer; Wallace Nesbitt, of the City of Toronto, King's Counsel and Robert McKay, of the City of Toronto, Barrister-at-Law, have by their petition prayed for incorporation under the name of "The Huronian" Company, Limited," for the purposes hereinafter set out; and 10 whereas it is expedient to grant the prayer of the said petitioners:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Robert Means Thompson, John Jamieson Thompson, Incorporation. Robert Gilmour Leckie, Wallace Nesbitt, Robert Mckay, and such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated are hereby constituted a body corporate and politic under the name of 20 "The Huronian Company, Limited", hereinafter called the "Company".

- 2. The first five persons mentioned in the next preceding Provisional Directors. section are hereby constituted the first or provisional directors of the company.
- 3. The capital stock of the company shall be one million Capital stock. dollars divided into ten thousand shares of one hundred dollars each.
  - 4. The head office of the company shall be at Copper Cliff, Head office. in the Province of Ontario.
- 5. The company may; 30

Powers of company.

- (a) Acquire and operate mines, minerals and mining rights
- (b) Smelt, reduce, amalgamate, and in any other manner Mines and manufacture and treat metals, minerals and ores and dispose mining.

thereof, and generally carry on the business of manufacturing therefrom.

Acquiring patent rights and water

(c) Acquire patent rights, letters patent of invention or any interest therein, processes, options, powers, water and privileges etc. other rights and privileges and such other real and such personal property as it may require and again dispose thereof.

Telegraph and telephone lines, wharfs etc.

(d) Construct and operate in connection with its said business telegraph and telephone lines, water powers, piers, wharfs, smelting works, refineries, and other factories and again dispose of the same.

Vessels.

(e) Construct, acquire, navigate and employ steam and 10 other vessels for the purpose of transporting the produce of its mills, mines and works to any place in Canada or elsewhere.

Transmitting power.

(f) Erect poles, construct trenches or conduits, and do all other things necessary for the transmission of power, heat or 15 light as the circumstance of the case may require.

Timber licenses. etc.

(g) Acquire by purchase or lease timber lands, timber licenses or timber, and sell and dispose thereof or manufacture and sell timber and lumber of all kinds for the purpose thereof, and to acquire any properties that may be necessary for the 20 working thereof and acquire and dispose of any mills or other facilities necessary for the said business.

Powers of c. 197.

6. The company shall have and may exercise all the powder Rev. Stat. ers set forth in subsections (a), (b), (c), (d), (e), (f), (g). (h) and(i) of Section 4 of The Ontario Mining Companies In- 25 corporation Act.

Generating and transmit-

7. The company may acquire lands and erect use and ing electricity, manage, works, machinery, and plant for the generation transmission and distribution of electric power or energy or other motive power and may dispose thereof and otherwise deal 30 with the same.

Railway, location of.

8. The company is hereby authorized and empowered to survey, lay out, construct, make, build, equip, maintain and operate a railway of the gauge of four feet, eight and one half inches, to be operated by steam or electricity, or partly 35 the one and partly the other, with single or double iron or steel tracks, between a point or points at or near the properties of The Massey Station Mining Company (Limited) in the Townships of Salter and May southerly to a point on the Canadian Pacific Railway and from thence to a point on the Spanish 40 River in the district of Algoma where the said river is navigable for vessels.

Power works.

9. The Company is hereby authorized to acquire and ultilize water and steam power for the purpose of com-

pressing air and generating electricity for lighting, heating and motor purposes and may sell, dispose of and distribute the same either as water or other motive power, or by converting the same into electricity or other force for the distri-5 bution of light, heat or power or for all purposes for which electricity or other motive power can be used, and may construct, maintain, and operate lines of wire, tunnels, conduits, and other works in the manner and to the extent required for the corporate purposes of the company, and may conduct, store, sell 10 and supply electricity and pneumatic power, and may with such conduit, motor or other conductors or devices, conduct convey, furnish or receive such electricity to or from any person or corporation at any place or places, through, over or along or across any public highways, bridges, water courses or 15 over such place or over or under any waters, and may enter upon any lands on either side of such line or lines, conduit or conduits and fell or remove any trees or limbs thereof or other obstructions necessary in the opinion of the engineer to guard the safety of such line or lines, conduit or conduits, and 20 the company may enter upon any lands or places and survey, set off and take such part thereof as may be necessary line or lines, wire conduit or conduits, but in case of disagreement between the company and any owner or occupier of lands which the company may 25 take for the purpose aforesaid, or in respect of any damages done to the same by constructing the line or lines, conduit or conduits upon the same the company, or such owner or occupier, as the case may be shall each choose an arbitrator which said two arbitrators shall choose a third and 30 the decision of the matter in difference of any two of them in writing shall be final and if the said owner or occupier or the said company fails to appoint an arbitrator for seven clear days after the party having appointed his arbitrator has served the other party with notice to make the appointment, 35 the party who has appointed the arbitrator and served such notice as foresaid may appoint that arbitrator to act as sole arbitratorin the reference and his award shall be binding on both parties as if he had been appointed by consent, or if such two arbitrators when duly chosen disagree in the choice of a third ar-40 bitartor in any such case it shall be lawful for the Minister of Public Works for the Province of Ontario for the time being

10. The directors may make and issue as paid-up stock, Issuing paid 45 shares of the capital stock of the company, in payment of and up stock in for business, franchise, undertaking, property, right, power, for certain privilege, letters patent, contract, real estate, stock, assets, purposes. and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, 50 and may allot and hand over such shares to any such person, company or corporation, or to its shareholders and may also issue, as paid up and unassessable shares of the capital stock of

to nominate any such third arbitrator who shall possess the

same power as if chosen in manner above provided.

the company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, or material of any kind and any such issue and allotment of stock shall be binding on the company and such stock shall not be assessable for calls nor shall holders 5 thereof be liable in any way thereon, and the company may pay for any such property wholly or partly in paid up shares or wholly or partly in bonds or debentures as to the directors may seem proper.

Rights of Aliens.

11. Alien and foreign corporations as well as British sub- 10 jects whether resident in Canada or elsewhere, may be shareholders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be eligible to hold office as directors or otherwise in the company, and in all other ways shall enjoy all other rights 15 or privileges as shareholders as they could do if British subjects.

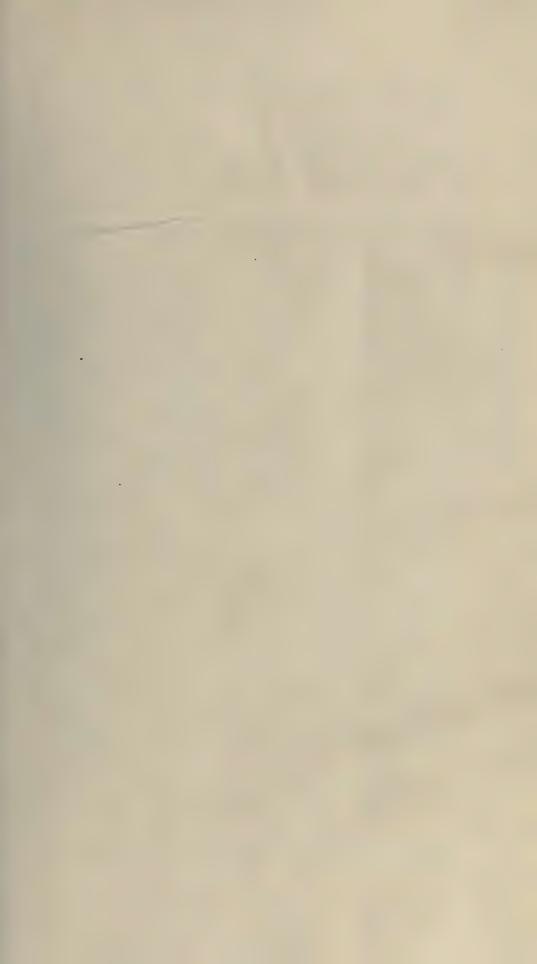
Application of sections of Rev. Stat. c. 207.

12. Sections, eleven, twelve, thirteen, fourteen, fifteen seventeen, eighteen, twenty, twenty-one, twenty-two, twentythree, twenty-four, twenty-five, twenty-six, twenty-seven, and 20 twenty-eight of The Railway Act of Ontario shall apply to the company and such sections shall be read with and as forming part of this Act.

Wherever in The Railway Act of Ontario the word "company" occurs it shall mean "the company hereby incorporated" 25 Wherever in The Railway Act of Ontario the word "rail-

way" occurs it shall (unless the context otherwise requires) and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables, or other works authorized by this Act to be constructed.

Wherever in the said sections of The Railway Act of Ontario the word "land" occurs it shall be held to include any privilege or easement required by the company for constructing the works authorized by this Act or any portion thereof and over or along any land without the necessity of acquiring a 35 title in fee simple thereto.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to incorporate The Huronian Company, (Limited.)

First Reading,

1902.

(Private Bill)

Mr. CHARLTON.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Huronian Company, Limited.

WHEREAS Robert Means Thompson, of the City of Preamble. W Bayonne, in the State of New Jersey, gentleman; John Jamieson Thompson, of the City of Bayonne, in the State of New Jersey, gentleman; Robert Gilmour Leckie, of Truro, in the Province of Nova Scotia, engineer; Wallace Nesbitt, of the City of Toronto, King's Counsel, and Robert McKay, of the City of Toronto, Barrister-at-Law, have by their petition represented that they desire to be incorporated under the name of The Huronian Company, Limited, for the purpose of acquiring and utilizing water power in the District of Algoma for the purpose of developing electrical power and energy therefrom, and transmitting the same for the purpose of working mines and mining properties in the district surrounding the Towns of Sudbury and Copper Cliff, and that in connection therewith they further purpose to supply power to, and also to acquire or construct smelting and other works for the treatment of ores produced in that region; and further, that the said company desires in connection with their operations to make arrangements for the transportation of the product of mines in said region to smelters for the purpose of treatment, and that for such purpose, as also for the purpose of taking in supplies to said mines, it will become desirable and necessary for the said company to construct tramways to connect mines or mining properties either with the lines of The Canadian Pacific Railway or The Manitoulin & North Shore Railway in such district, or to connect such mines or mining property with any smelting or reduction works owned or controlled by the said company; and whereas the completion of the said undertaking of the said company would greatly stimulate and assist the development of the said region by affording facilities for economical mining and smelting, and further by facilitating the transportation of ores from mines now existing or which may hereafter be opened to smelting and reduction works; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Robert Means Thompson, John Jamieson Thompson, Incorporation. Robert Gilmour Leckie, Wallace Nesbitt, Robert Mckay, and

such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated are hereby constituted a body corporate and politic under the name of The Huronian Company, Limited, hereinafter called the Company.

Provisional Directors.

- 2. The first five persons mentioned in the next preceding section are hereby constituted the first or provisional directors of the company.
- 3. The capital stock of the company shall be one million Capital stock. dollars divided into ten thousand shares of one hundred dollars each.
- 4. The head office of the company shall be at Copper Cliff, Head office. in the Province of Ontario.

Powers of company.

- 5. The company may:
- (a) Acquire and operate mines, minerals and mining rights

Mines and mining.

(b) Smelt, reduce, amalgamate, and in any other manner manufacture and treat metals, minerals and ores and dispose thereof, and generally carry on the business of manufacturing therefrom.

Acquiring patent rights and water

(c) Acquire patent rights, letters patent of invention or any interest therein, processes, options, powers, water and privileges etc. other rights and privileges and such other real and such personal property as it may require and again dispose thereof.

Telegraph and telephone lines, wharfs etc.

(d) Construct and operate in connection with its said business telegraph and telephone lines; and provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the said city, town or village being first obtained by the said company; and provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Vessels.

(e) Construct, acquire, navigate and employ steam and other vessels for the purpose of transporting the produce of its mills, mines and works to any place in Canada or elsewhere.

Transmitting power

F(f) Erect poles, construct trenches or conduits, and do all other things necessary for the transmission of power, heat or light as the circumstances of the case may require within the Districts of Algoma and Nipissing, and within the region in the said districts described as follows: Commencing at the north-east corner of the Township of Rathbun; thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River; thence following the course of the French River to Lake Huron; thence along the water's edge on the

north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge; thence north along the said line between the Townships of Shedden and Victoria and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig; thence easterly, following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning.

(g) Acquire by purchase or lease timber lands, timber licen- Timber ses or timber, and sell and dispose thereof or manufacture and licenses. etc. sell timber and lumber of all kinds for the purpose thereof, and to acquire any properties that may be necessary for the working thereof and acquire and dispose of any mills or other facilities necessary for the said business.

6. The company shall have and may exercise all the pow- Powers of ers set forth in subsections (a), (b), (c), (d), (e), (f), (g) Company un-(h) and(i) of Section 4 of The Ontario Mining Companies In-c. 197. corporation Act.

7. The company may acquire lands within the Districts of Algoma and Nipissing, and within the region in the said districts described as follows: Commencing at the north-east corner of the Township of Rathbun; thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River; thence following the course of the French River to Lake Huron; thence along the water's edge on the north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge; thence north along the said line between the Townships of Shedden and Victoria, and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig; thence easterly, following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power or energy or other motive power thereon, and may within the said districts aforesaid dispose thereof and otherwise deal with same.

8. The company is hereby authorized and empowered to survey, lay out, construct, make, build, equip, maintain and operate tramways of the standard gauge of four feet eight and one-half inches, to be operated by steam or electricity, or partly the one and partly the other, to connect any mine or mining property which now is or shall hereafter be open for development within the Districts of Algoma and Nipissing, and within the hereinbefore described region in the said districts as aforesaid, with The Canadian Pacific Railway or with The Manitoulin & North Shore Railway, or to connect such mine or mining property with any smelting or reduction works owned or controlled by the company or such mine or works with navigable water.

Rev. Stat, c. 207. except where inconsistent with this Act, apply to any tramway constructed by the company hereunder and to the construction thereof.

Power works.

9. The Company is hereby authorized to acquire and ultilize water and steam power for the purpose of compressing air and generating electricity for lighting, heating and motor purposes and may sell, dispose of and distribute the same either as water or other motive power, or by converting the same into electricity or other force for the distribution of light, heat or power or for all purposes for which electricity or other motive power can be used, and may construct, maintain, and operate lines of wire, tunnels, conduits, and other works in the manner and to the extent required for the corporate purposes of the company, and may conduct, store, sell and supply electricity and pneumatic power, and may with such conduit, motor or other conductors or devices, conduct convey, furnish or receive such electricity to or from any person or corporation at any place or places, through, over or along or across any public highways, bridges, water courses or over such place or over or under any waters, and may enter upon any lands on either side of such line or lines, conduit or conduits and fell or remove any trees or limbs thereof or other obstructions necessary in the opinion of the engineer to guard the safety of such line or lines, conduit or conduits, and the company may enter upon any lands or places and survey, set off and take such part thereof as may be necessary line or lines, wire conduit or but in case of disagreement between the company and any owner or occupier of lands which the company may take for the purpose aforesaid, or in respect of any damages done to the same by constructing the line or lines, conduit or conduits upon the same the company, or such owner or occupier, as the case may be shall each choose an arbitrator which said two arbitrators shall choose a third and the decision of the matter in difference of any two of them in writing shall be final and if the said owner or occupier or the said company fails to appoint an arbitrator for seven clear days after the party having appointed his arbitrator has served the other party with notice to make the appointment, the party who has appointed the arbitrator and served such

notice as foresaid may appoint that arbitrator to act as sole arbitratorin the reference and his award shall be binding on both parties as if he had been appointed by consent, or if such two arbitrators when duly chosen disagree in the choice of a third arbitartor in any such case it shall be lawful for the Minister of Public Works for the Province of Ontario for the time being to nominate any such third arbitrator who shall possess the same power as if chosen in manner above provided.

(2) All the powers given by this section shall be exercisable by the company only within the Districts of Algoma and Nipissing and within the region in the said districts described as follows: Commencing at the north-east corner of the Township of Rathbun, thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River, thence following the course of the French River to Lake Huron, thence along the water's edge on the north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge, thence north along the said line between the Townships of Shedden and Victoria and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig, thence easterly following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning.

10. The directors may make and issue as paid-up stock, Issuing paid shares of the capital stock of the company, in payment of and up stock in for any business, franchise, undertaking, property, right, power, for certain privilege, letters patent, contract, real estate, stock, assets, purposes. and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders and may also issue, as paid up and unassessable shares of the capital stock of the company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, or material of any kind and any such issue and allotment of stock shall be binding on the company and such stock shall not be assessable for calls nor shall holders thereof be liable in any way thereon, and the company may pay for any such property wholly or partly in paid up shares or wholly or partly in bonds or debentures as to the directors may seem proper.

11. Alien and foreign corporations as well as British sub-Rights of jects whether resident in Canada or elsewhere, may be share- Aliens. holders in the company and all such shareholders shall be

entitled to vote on their shares equally with British subjects, and shall be eligible to hold office as directors or otherwise in the company, and in all other ways shall enjoy all other rights or privileges as shareholders as they could do if British subjects.

Application of certain sections of Rev. Stat. c. 207.

12. Sections, eleven, twelve, thirteen, fourteen, fifteen seventeen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight of *The Railway Act of Ontario* shall apply to the company and such sections shall be read with and as forming part of this Act.

Wherever in The Railway Act of Ontario the word "company" occurs it shall mean "the company hereby incorporated"

Wherever in The Railway Act of Ontario the word "railway" occurs it shall (unless the context otherwise requires) and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables, or other works author-

ized by this Act to be constructed.

Wherever in the said sections of The Railway Act of Ontario the word "land" occurs it shall be held to include any privilege or easement required by the company for constructing the works authorized by this Act or any portion thereof and over or along any land without the necessity of acquiring a title in fee simple thereto.



BILL.

An Act to incorporate The Huronian Company, (Limited.)

First Reading, 21st January, 1902.

Reprinted as amended by Private Bills Committee.

Mr. CHARLTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Peterborough.

HEREAS the corporation of the Town of Peterborough Preamble. W has by petition represented that by the Acts of the Province of Ontario, 35 Vict. chapter 71 and 53 Vict. chapter 99 the corporation of the Town of Peterborough was authorized to aid by way of bonus the promotion of manufactories to an amount not exceeding in the whole \$40,000 provided that any by law granting any such bonus should receive the assent of the majority of the qualified electors voting thereon; that the corporation on the 10th day of September, 1901, with the assent of the ratepayers in the manner required by law, and under and in accordance with the provisions of the said Acts, passed a by-law Number 953 entitled "A by-law to aid The Canadian Cordage and Manufacturing Company, Limited" granting a bonus of \$4500 to The Canadian Cordage and Manufacturing Company, Limited to aid the company in promotion of its manufacturing establishment as therein provided and, subject to the approval of the legislature of the Province of Ontario being given thereto, fixing the assessment of the lands on which the said company proposed to erect its buildings at the sum of \$4500 for the period of ten years, such sum being the amount of the present assessment of the said lands; and that it is desirable and in the public interest of the ratepayers of the said town that such by-law should be confirmed and validated; that it is desirable and in the interest of the corporation that section 2 of the Act of the Province of Ontario, passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chapter 71, entitled " An Act respecting the Town of Peterborough" should be amended by striking out the words between the word "Otonabee" in the third line thereof and the worl "together" in the fourth line thereof so as to allow the corporation to obtain the power in the said section referred to from a point on the Otonabee River above Nassau; that the corporation has agreed with the Peterborough Water Company subject to the by-law for the purpose being assented to by the ratepayers and being finally passed to purchase from the said water company their waterworks and appurtenances at the price or sum of \$230,000, and it is desirable that such purchase and sale and the by-laws of the corporation and the said water company respectively authorizing such purchase and sale should be authorized confirmed and validated; that the properties mentioned and referred to in the by-laws of the

said corporation and of the corporation of the Village of Ashburnham respectively in the Act of the Province of Ontario, 1 Edward VII chapter 63 have been acquired by the said Robert Stuart therein named or his assigns and The American Cereal Company, Limited, have proceeded with the erection and establishment of the works therein referred to on a much larger scale than originally contemplated and at a much greater cost than the sum of \$100,000; that in view of such increased works the same may not be completed within a year after the passing of the said Act as provided by said by-laws respectively, and it is desirable and in the public interest that the time for the completion of such works should be extended to the first day of October, 1902, and that in the event of a Canadian company being formed to take over, acquire and operate such works the exemption from taxation in the said by-laws respectively contained should be extended to such Canadian company its successors and assigns so taking over, acquiring and operating said works, and that the said last mentioned Act should be amended accordingly; and whereas the corporation of the Village of Ashburnham has by resolution of the council thereof consented that an Act may be passed to extend the time for the completion of the said works and extending the exemption from taxation in said by-law of the Village of Ashburnham contained to a Canadian company its successors and assigns so taking over, acquiring and operating said works; and whereas the corporation of the Town of Peterborough has by its petition prayed that an act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No 953 to aid Cordage Co. confirmed.

1. By-law Number 953, of the Corporation of the Town of Peterborough passed on the 10th day of September, 1901, entitled "A By law to aid The Canadian Cordage and Manufacturing Company, Limited," which by-law is set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

62 V. c., 71,

8. 2. Section 2 of the Act of the Floring of Her late Majesty Queen Victoria,

1. 2. Section 2 of the reign of Her late Majesty Queen Victoria,

1. 2. An Act respecting the Town of Peterborough" is amended by striking out the words between the word "Otonabee," in the third line thereof, and the word "together" in the fourth line thereof.

Purchase

3. The purchase by the corporation of the Town of Peterof waterworks borough from The Peterborough Water Company of the Peterlegalized. borough waterworks, and the sale of the said waterworks by the said water company, hereinbefore mentioned, and the by-laws of the Corporation of the Town of Peterborough, and of The Peterborough Water Company, respectively, to carry out such purchase and sale, are hereby authorized, confirmed and validated.

4. The by-laws set out in schedules A and B to Chapter 63, Time for of the Acts of the Province of Ontario passed in the first year completion of works of of the reign of His Majesty, King Edward VII, are hereby Cereal Co. amended by extending the time limited by sub-section (c) of extended. section 2. of each of said by laws for the establishment of the works therein referred to, until the first day of October, 1902, and by extending the exemption from taxation of personal property and income in each of the said by-laws contained, to the personal property and income of The Canadian Cereal Company, Limited, its successors and assigns, upon the said company acquiring and taking over the said works, provided always that such exemption shall not apply to personal property or income not connected with the carrying on of the said works.

### SCHEDULE A.

By-LAW No. 953.

A By-law to aid the Canadian Cordage and Manufacturing Company, Limited.

Passed the 10th day of September, 1901.

Whereas by the Acts of the Legislature of the Province of Ontario, 35 Victoria, Chapter 71, and 53 Victoria, Chapter 99, it is enacted and provided, amongst other things, that it shall and may be lawful for the Corporation of the Town of Peterborough to aid by way of bonus the promotion of manufactures in or about the Town of Peterborough to the extent and in the manner therein provided, and amongst other things by acquiring any lands or buildings and granting the same or the use thereof to any person or persons or body corporate for manufacturing purposes, and that the by-law granting such bonus shall have been submitted to and approved of by the majority of the qualified electors voting thereon in the same manner as with money by laws requiring the assent of the

And whereas the Canadian Cordage and Manufacturing Company, Limited, have represented to the Council of the Town of Peterborough that they propose to establish in the said Town a manufactuory of binder twine, rope and cordage, and to erect two substantial brick buildings, one of which will be ninety feet wide by three hundred feet long, and the other fifty feet wide by two hundred feet long, and to instal therein within one year forty-five thousand dollars worth of machinery, the plant to have capacity of five tons of binder twine per day and three tons of rope and cordage per day, and to give employment to about seventy-five hands, and have applied to the Council for aid in the establishment of such manufactory by the granting of Four thousand five hundred dollars for the purchase of Lots Numbers Eight and Nine South of Perry Street and West of George Street in the Town of Peterborough, and Lots Numbers Eight and Nine North of Lake Street and West of George Street in the said Town of Peterborough, and by granting partial exemption from taxa-tion subject to the approval of the Legislature by fixing the assessment of the said property as hereinafter mentioned.

And whereas it is desirable and in the public interest to encourage the promotion of said manufacturing establishment as aforesaid;

And whereas it will be necessary to borrow by the issue of debentures the said sum of four thousand five hundred dollars;

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll being for the year 1901 is the sum of four million two hundred and ninety-four thousand seven hundred and ninety-five dollars;

And whereas the amount of the existing debenture debt of the municipality exclusive of the local improvement debt is the sum of two hundred and fifty-three thousand and forty-one dollars and sixty-seven cents, and

there is no part of the interest or principal in arrear;

And whereas for the purpose of paying the interest on the said debentures and providing a sinking fund for the payment of same at maturity it will be necessary to raise each year during the currency of the said debentures by special rate the sum of \$339.13;

The corporation of the Town of Peterborough, by the council thereof,

therefore enacts as follows:

1. This by-law shall take effect on the date of the final passing thereof as to all the provisions thereof except those relating to the fixing of the assessment of the said company, and as to so much of the said by-law as relates to the fixing of the assessment of the s id company, the same shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and in the event of such confirmation not being obtained and until such confirmation shall be obtained if at all the

remainder of said by-law shall be in full force and effect.

2. It shall and may be lawful for the said corporation to borrow the sum of four thousand five hundred dollars and to issue debentures of the said Corporation of the Town of Peterborough for the said sum of four thousand five hundred dollars, such debentures to be sealed with the Corporate Seal of the Town of Peterborough and to be signed by the mayor and treasurer and countersigned by the secretary of the commissioners of the Peterborough Town Trust, to be payable within twenty years after the issue thereof and to bear interest at the rate of four per cent. payable half yearly, on the thirtieth day of June and the thirty-first day of December in each year and to have coupons attached thereto for the payment of such interest. Such debentures, as to principal and interest to be payable at the office of the secretary of the commissioners of the Peterborough Town Trust in the Town of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all of the property in the Town of Peterborough liable thereto the sum of \$180.00 for payment of the interest and \$159.13 as a sinking fund for the payment of the said debt at

the maturity thereof making together the sum of \$339.13.

3. The proceeds of the said debentures for the sum of four thousand five hundred dollars when sold shall be given to the Canadian Cordage and Manufacturing Company, Limited, to aid the said company in the promotion of the said manufacturing establishment by the payment of the purchase money of the said lands upon and only upon and subject to the terms and conditions hereinafter mentioned and until the said conditions shall have been fully performed and satisfied the said company shall not be entitled to the said moneys or to any interest in or right to the same.

The conditions upon which the said grant shall be made are as follows:-

(a) The said company shall on or before the fifteenth day of July, 1902, erect and complete two sub-tantial brick buildings for the purpose of their manufactuory, one of which shall be not less than ninety feet wide by three hundred feet long and of suitable and proportionate height, and the other not less than fifty feet wide by two hundred feet long and of suitable and proportionate height.

(b) That the company shall on or before the fifteenth day of July, 1902, instal in the said buildings at least forty-five thousand dollars worth of machinery for the manufacture of binder twine, rope and cordage.

(c) That the plant so established and installed shall have a capacity of five tons of binder twine per day and three tons of rope and cordage per day in addition to such binder twine.

(d) That the company shall on or before the fifteenth day of July, 1902, have the said manufacturing establishment in running order, and in actual operation and employ at least seventy-five hands.

(e) That the conveyance of the said lands to the company shall contain and be subject to the condition that in the event of the said land within the period of ten years from the conveyance thereof to the said company ceasing to be bona fide used for the manufacture of binder twine, rope and cordage or other manufacturing business approved by the town council substa tially according to the capacity thereof, for the period of twelve consecutive months then the said lands shall revert to and become the absolute property of the corporation of the Town of Peterborough and free from any claim thereto of the said company or their assigns unless the said company or their assigns shall within six months after such period of twelve months for which the said lands shall have ceased to be used as aforesaid, pay to the corporation of the Town of Peterborough the full sum of four thousand five hundred dollars provided always that in the event of the failure to use said lands as aforesaid being due to strikes or destruction of the buildings or machinery by fire or tempest the time during which the said lands shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months to entitle the corporation to resume the ownership of said lands or to be paid the value of the said lands as aforesaid. The conveyance of said lands to be in form approved by the town solicitor for most effectually protecting the interests of the town corporation.

5. Subject to the provisions of this paragraph being confirmed by the Legislature of the Province of Ontario the assessment of the said lands including the buildings, machinery and plan thereon, shall be fixed at the sum of four thousand five hundred dollars for the period of ten years commencing on the first day of January. 1902, and the return and oath of

assessor in respect thereof shall be amended accordingly.

6. The votes of the duly qualified electors of the Town of Peterborough shall be taken apon this by-law on Tuesday the thirteenth day of August, 1901, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day at the following poling places and before the following deputy returning officers respectively, that is to say :-

### WARD NO. ONE.

Polling sub-division No. 1. At M. H. Halpin's store, corner of Perry and George streets; Angus Williams to be deputy returning officer. Polling sub-division No. 2. At Lewis Spry's shop, Stewart street;

Joseph Lundy to be deputy returning officer.

### WARD No. Two.

Polling sub-division No. 3. At the Town council chamber; Charles

Cameron to be deputy returning officer.
Polling sub-division No 4. At Greene Bros.' store, Charlotte street; Mendel Greene to be deputy returning officer.

### WARD NO. THREE.

Polling sub-division No. 5. At J. & W. Metheral's shop, Aylmer street; Joseph Metheral to be deputy returning officer.

Polling sub division No. 6. At Wm. McCall's shop, McDonnel street; John Irwin to be deputy returning officer.

### WARD No. FOUR.

Polling sub-division No. 7. At Wm. Lee's shop, Smith street; George W. Powell to be deputy returning officer.

7. The 14th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town clerk are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the by-law.

8. The 12th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town clerk are hereby fixed as the place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the 'by-law respectively.

#### NOTICE.

Take notice that the foregoing is a true copy of the proposed by-law which has been taken into consideration and which will be finally passed by the council of the Town of Peterborough (in the event of the assent of the electors being obtained thereto) after one month from the first publication hereof in the Morning Times newspaper the date of which first publication is the 22nd day of July, 1901, and that at the hour, day and place therein fixed for taking the votes of the electors the polls will be held.

S. R. Armstrong, Town Clerk.



5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the Town of Peterborough.

First Reading,

1902.

(Private Bill.)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Peterborough.

THEREAS the Municipal Corporation of the Town of Pleamble. Peterborough has by petition represented that by the Acts of the Province of Ontario, passed respectively in the 35th year of the reign of Her late Majesty Queen Victoria, chaptered 71, and in the 53rd year of the said reign, chaptered 99, the Corporation of the Town of Peterborough was authorized to aid by way of bonus the promotion of manufactures to an amount not exceeding in the whole \$40,000, provided that any by law granting any such bonus should receive the assent of the majority of the qualified electors voting thereon; that the corporation on the 10th day of September, 1901, with the assent of the ratepayers in the manner required by law, and under and in accordance with the provisions of the said Acts, passed By-law No. 953 entitled "A by-law to aid The Canadian Cordage and Manufacturing Company, Limited," granting a bonus of \$4500 to The Canadian Cordage and Manufacturing Company, Limited, to aid the company as therein provided and, subject to the approval of the Legislature of the Province of Ontario being given thereto, fixing the assessment of the lands on which the said company proposed to erect its buildings at the sum of \$4.500 for the period of ten years, such sum being the amount of the assessment of the said lands for the year 1901, and that it is desirable and in the public interest of the ratepayers of the said town that such by-law should be confirmed and validated; "an! whereas the said municipal corporation has further represented that by By-law No 969 of the said municipal corporation are passed on the 16th day of January, 1902, entitled "A By-law to authorize the purchase of the Peterborough Waterworks and the issue of Debentures to the amount of two hundred and thirty thousand dollars therefor," which said By-law had previously to the final passing thereof received the assent of the majority of the qualified ratepayers voting thereon, an agreement entered into between the said municipal corporation and The Peterborough Water Company for the purchase by the said municipal corporation from the company of their waterworks, lands, property, rights, privileges and appurtenances for the sum of \$230,000, was authorized and confirmed, and that by By-law No. 29 of The Peterborough Water Company, passed on the 23rd day of December, 1901, entitled "A By-law to authorize the sale of the Works and the Property of The Peterborough Water Company to the Corporation of

the Town of Peterborough," which said by law was sanctioned by the vote of more than two-thirds in value of the shareholders of the said company, present in person or by proxy at a meeting of the said company duly called for considering the subject of the by-law, the sale of the waterworks and property of the said company to the said municipal corporation was authorized, and that such sale has been carried out and the purchase money paid, and it is desirable that both the said by-laws and the sale and purchase thereunder should be confirmed and validated, and that provision should be made for the election of water commissioners, and that the said municipal corporation by by-law to be passed by the council thereof without securing the assent of the ratepayers may authorize the issue of debentures not exceeding in any one year the sum of \$5,000, for the purpose of making extensions, improvements, repairs and alterations in the said waterworks; and whereas the said municipal corporation has further represented that the properties mentioned and referred to in the by-laws of the said municipal corporation and of the corporation of the Village of Ashburnham respectively set out in the Act passed in the 1st year of the reign of His Majesty King Edward the Seventh, chaptered 63, have been acquired by Robert Stuart therein named or his assigns, and The American Cereal Company, Limited, have proceeded with the erection and establishment of the works therein referred to on a much larger scale than originally contemplated and at a much greater cost than the sum of \$100,000, that in view of such increased works the same may not be completed within a year after the passing of the said Act as provided by the said by-laws respectively, and it is desirable and in the public interest that the time for the completion of such works should be extended to the first day of October, 1902, and that in the event of such works being taken over, acquired and operated by a Canadian Company the exemption from taxation in the said bylaws respectively contained should be extended to such Canadian company, its successors and assigns so taking over, acquiring and operating the said works, and that the said last mentioned Act should be amended accordingly; and whereas the Corporation of the Village of Ashburnham has by resolution of the council thereof consented that an Act may be passed to extend the time for the completion of the said works and extending the exemption from taxation in the said by-law of the Village of Ashburnham contained to a Canadian company, its successors and assigns so taking over, acquiring and operating the said works; and whereas the Corporation of the Town of Peterborough has by its petition prayed that an act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law Number 953 of the Corporation of the Town of By-law No. Peterborough passed on the 10th day of September, 1901, en-Cordage Co. titled "A By law to aid The Canadian Cordage and Manufac-confirmed. turing Company, Limited," which by-law is set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

By-law No. 969 of the Corporation of the Town of Peter By-laws of the borough passed on the 16th day of January, 1902, entitled "A Town of Peterbrough by-law to authorize the purchase of the Peterborough Water- and the Peterworks and the issue of debentures to the amount of two borough hundred and thirty thousand dollars therefor," which by-law is with reference set out in Schedule B hereto, and by-law No. 29 of The Peterborough borough Water Company passed on the 23rd day of December, waterworks 1901, entitled "A by law to authorize the sale of the works validated. and property of The Peterborough Water Company to the corporation of the Town of Peterborough," which said by-law is set out in Schedule C hereto, are confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof, and the purchase by the corporation of the Town of Peterborough from The Peterborough Water Company of the waterworks, lands, property, rights, privileges and appurtenances of the said company and the sale thereof by the said company is hereby confirmed and validated.

Town of Peterborough without the assent of the ratepayers of the Town of Peterborough the Town o the said municipality to pass by laws from time to time pro- authorized to viding for and authorizing the borrowing on the credit of the borrow money said waterworks and the said municipality, of any sum or of the sums of money not exceeding in any one year the sum of \$5,000 waters orks. for the purpose of making extensions, repairs, improvements and alterations in said waterworks, and to issue the debentures of the said municipal corporation therefor, to be called waterworks debentures, and to sell, p'edge, hypothecate or dispose of the same, and the provisions of sections 36 and 37 of The Mun-Rev. Stat. icipal Waterworks Act and of sections 396, 397, 399, 400, 401, c. 235. 429 and 431 of The Municipal Act shall apply to any by-law Rev. Stat. passed or any debentures issued under the provisions hereof, c. 223. but the said by-laws shall, after the passing thereof, require the approval of the Lieutenant Governor in Council and after receiving such approval shall be legal, valid and binding.

4. That hereafter the water commissioners to manage the Water municipal waterworks of the Town of Peterborough shall con-commissioners sist of a board of three commissioners, none of whom shall be a member of the council, who shall be elected as follows: At the next annual municipal election three commissioners shall be elected, at which election each elector shall be entitled to vote for three candidates for the office of commissioner, and the one receiving the highest number of votes shall be elected for three years, the one receiving the next highest number of votes

shall be elected for two years, and the third shall be elected for one year: provided that if the commissioners are elected by acclamation, or in case any two or more shall receive an equality of votes, the mayor of the said town shall within three days thereafter and at a time and place of which the said commissioners shall have received notice, decide by lot which one of them shall serve for the longer term Thereafter one commissioner shall be elected each year for a term of three years, at the time of the annual municipal election, and the commissioners shall be elected in the same manner as the head of the council. In case of a vacancy for any cause or causes occurring at any time on the board, the municipal council of the said town shall forthwith by by-law appoint a commissioner to hold office until the next annual election, when a new commissioner shall be elected to fill the said vacancy, who shall hold office for the residue of the term of the commissioner whose seat during the previous year had become vacant, and the ballots used at the election to fill such vacancy shall be ballots separate from any ballots used at the time of such election for any other purpose. The said commissioners shall in all respects, except as herein provided, be subject to and enjoy all the powers, rights, authorities and immunities conferred by the provisions of The Municipal Waterworks Act, and all the provisions of The Municipal Waterworks Act, except in sofar as they are inconsistent with the provisions of this Act, but including section 44 of the said Act, shall apply to the said waterworks and their management, and the commissioners elected hereunder.

Rev. Stat. c. 235.

Time for completion of works of Cereal Co. extended. 5. The by-laws set out in Schedules A and B to Chapter 63 of the Acts passed in the first year of the reign of His Majesty, King Edward the Seventh are hereby amended by extending the time limited by sub-section (c) of section 2 of each of the said by laws for the establishment of the works therein referred to, until the first day of October, 1902, and by extending the exemption from taxation of personal property and income in each of the said by-laws contained, to the personal property and income of The Dominion Cereal Company, Limited, its successors and assigns, upon the said company acquiring and taking over the said works; provided always that such exemption shall not apply to personal property or income not connected with the carrying on of the said works.

### SCHEDULE A.

### By-LAW No. 953.

A By-law to aid the Canadian Cordage and Manufacturing Company, Limited.

Passed the 10th day of September, 1901.

Whereas by the Acts of the Legislature of the Province of Ontario, 35 Victoria, Chapter 71, and 53 Victoria, Chapter 99, it is enacted and provided, amongst other things that it shall and may be lawful for the Corporation of the Town of Peterborough to aid by way of bonus the promotion of manufactures in or about the Town of Peterborough to the extent and in the manner therein provided, and amongst other things by acquiring any lands or buildings and granting the same or the use thereof to any person or persons or body corporate for manufacturing purposes, and that the by-law granting such bonus shall have been submitted to and approved of by the majority of the qualified electors voting thereon in the same manner as with money by-laws requiring the assent of the electors.

And whereas the Canadian Cordage and Manufacturing Company, Limited, have represented to the Council of the Town of Peterborough that they propose to establish in the said Town a manufactury of binder twine, rope and cordage, and to erect two substantial brick buildings, one of which will be ninety feet wide by three hundred feet long, and the other fifty feet wide by two hundred feet long, and to instal therein within one year forty-five thousand dollars worth of machinery, the plant to have a capacity of five tons of binder twine per day and three tons of rope and cordage per day, and to give employment to about seventy-five hands, and have applied to the Council for aid in the establishment of such manufactury by the ranting of Four thousand five hundred dollars for the purchase of Lots Numbers Eight and Nine South of Perry Street and West of George Street in the Town of Peterborough, and Lots Numbers Eight and Nine North of Lake Street and West of George Street in the said Town of Peterborcugh, and by granting partial exemption from taxation subject to the approval of the Legislature by fixing the assessment of the said property as hereinafter mentioned.

And whereas it is desirable and in the public interest to encourage the promotion of said manufacturing establishment as aforesaid;

And whereas it will be necessary to borrow by the issue of debentures

the said sum of four thousand five hundred dollars;

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll being for the year 1901 is the sum of four million two hundred and ninety-four thousand seven hundred and ninety-five dollars;

And whereas the amount of the existing debenture debt of the municipulity exclusive of the local improvement debt is the sum of two hundred and fifty-three thousand and forty-one and 67-100 dollars, and there is

no part of the principal or interest in arrear;

And whereas for the purpose of paying the interest on the said debentures and providing a sinking fund for the payment of same at maturity it will be necessary to raise each year during the currency of the said debentures by special rate the sum of \$339.13;

The corporation of the Town of Peterborough, by the council thereof,

therefore enacts as follows :-

1. This by-law shall take effect on the date of the final passing thereof as to all the provisions thereof except those relating to the fixing of the assessment of the said company, and as to so much of the said by-law as relates to the fixing of the assessment of the s id company, the same shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and in the event of such confirmation not being obtained and until such confirmation shall be obtained if at all the remainder of said by-law shall be in full force and effect.

2. It shall and may be lawful for the said corporation to borrow the sum of four thousand five hundred dollars and to issue debentures of the said Corporation of the Town of Peterborough for the said sum of four thousand five hundred dollars, such debentures to be sealed with the Corporate Seal of the Town of Peterborough and to be signed by the mayor and treasurer and countersigned by the secretary of the commissioners of the Peterborough Town Trust, to be payable within twenty years after the issue thereof and to bear interest at the rate of four per cent. payable half yearly, on the thirtieth day of June and the thirty-first day of December in each year and to have coupons attached thereto for the payment of such interest. Such debentures, as to principal and interest to be payable at the office of the secretary of the commissioners of the Peterborough Town Trust in the Town of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all of the property in the Town of Peterborough liable thereto the sum of \$180.00 for payment of the interest and \$159.13 as a sinking fund for the payment of the said debt at

the maturity thereof making together the sum of \$339.13.

3. The proceeds of the said debentures for the sum of four thousand five hundred dollars when sold shall be given to the Canadian Cordage and Manufacturing Company, Limited, to aid the said company in the promotion of the said manufacturing establishment by the payment of the purchase money of the said lands upon and only upon and subject to the terms and conditions hereinafter mentioned and until the said conditions shall have been fully performed and satisfied the said company shall not be entitled to the said moneys or to any interest in or right to the same.

The conditions upon which the said grant shall be made are as follows:—
(a) The said company shall on or before the fifteenth day of July, 1902, erect and complete two sub-tantial brick buildings for the purpose of their manufactury, one of which shall be not less than ninety feet wide by three hundred feet long and of suitable and proportionate height, and

by three hundred feet long and of suitable and proportionate height, and the other not less than fifty feet wide by two hundred feet long and of suitable and proportionate height.

(b) That the company shall on or before the fifteenth day of July, 1902, instal in the said buildings at least forty-five thousand dollars worth of machinery for the manufacture of binder twine, rope and cordage.

(c) That the plant so established and installed shall have a capacity of five tons of binder twine per day and three tons of rope and cordage per day in addition to such binder twine.

(d) That the company shall on or before the fifteenth day of July, 1902, have the said manufacturing establishment in running order, and in

actual operation and employ at least seventy-five hands.

(e) That the conveyance of the said lands to the company shall contain and be subject to the condition that in the event of the said land within the period of ten years from the conveyance thereof to the said company ceasing to be bona ide used for the manufacture of binder twine, rope and cordage or other manufacturing business approved by the town council substantially according to the capacity thereof, for the period of twelve consecutive months, then the said lands shall revert to and become the absolute property of the corporation of the Town of Peterborough and free from any claim thereto of the said company or their assigns unless the said company or their assigns shall within six months after such period of twelve months for which the said lands shall have ceased to be used as aforesaid, pay to the corporation of the Town of Peterborough the full sum of four thousand five hundred dollars provided always that in the event of the failure to use said lands as aforesaid being due to strikes or destruction of the buildings or machinery by fire or tempest the time during which the said lands shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months to entitle the corporation to resume the ownership of said lands or to be paid the value of the said lands as aforesaid. The conveyance of said lands to be in form approved by the town solicitor for most effectually protecting the interests of the town corporation.

5. Subject to the provisions of this paragraph being confirmed by the Legislature of the Province of Ontario the assessment of the said lands including the buildings, machinery and plan thereon, shall be fixed at the sum of four thousand five hundred dollars for the period of ten years

commencing on the first day of January, 1902, and the return and oath of the assessor in respect thereof shall be amended accordingly.

6. The votes of the duly qualified electors of the Town of Peterborough shall be taken apon this by-law on Tuesday the 13th day of August, 1901, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day at the following polling places and before the following deputy returning officers respectively, that is to say :-

### WARD NO. ONE.

Polling sub-division No. 1. At M. H. Halpin's store, corner of Perry and George streets; Angus Williams to be deputy returning officer.

Polling sub-division No. 2. At Lewis Spry's shop, Stewart street;

Joseph Lundy to be deputy returning officer.

### WARD No. TWG.

Polling sub-division No. 3. At the Town council chamber; Charles Cameron to be deputy returning officer.
Polling sub-division No 4. At Greene Bros.' store, Charlotte street;

Mendel Greene to be deputy returning officer.

### WARD NO. THREE.

Polling sub-division No. 5. At J. & W. Metheral's shop, Aylmer street; Joseph Metheral to be deputy returning officer.

Polling sub division No. 6. At Wm. McCall's shop, McDonnel street; John Irwin to be deputy returning officer.

### WARD No. FOUR.

Polling sub-division No. 7. At Wm. Lee's shop, Smith street; George W. Powell to be deputy returning officer.

7. The 14th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town Clerk are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and

against the by-law.

[L.S.]

8. The 12th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town Clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the by-law respectively.

(Sgd) G. M. ROGER, Presiding Officer.

S. R. Armstrong

Town Clerk. I certify that this is a true copy of By-law No. 953 of the Town of Peterborough.

E. H. D. HALL, Town Solicitor.

### SCHEDULE B.

### By-Law No. 969.

A By-law to authorize the purchase of the Peterborough Waterworks and the issue of Debentures to the amount of Two Hundred and Thirty Thousand Dollars therefor.

### Passed the 16th day of January, 1902.

Whereas it is in the interest of the corporation of the Town of Peterborough and of the citizens and ratepayers of the said town to purchase and acquire from the Peterborough Water Company the waterworks owned by them, and to carry the same on under the provisions of The

Municipal Waterworks Act.

And whereas an agreement has been made for the purchase by the corporation from the said company of the said waterworks and appurtenances at the price or sum of two hundred and thirty thousand dollars, payable on or before the thirty-first day of January, nineteen hundred and two with interest at the rate of six per cent. per annum from the first day of January, 1902, the corporation to receive as against such interest the revenues of the said waterworks from the same date less the cost of operating, maintaining and renewing the said works as therein more fully set out, which purchase is subject to ratification by the rate-payers of the said town.

And whereas for the purpose of carrying out such purchase it will be necessary to borrow the sum of two hundred and thirty thousand dollars by the issue of debentures of the said corporation for the said sum as hereinafter provided, which sum of two hundred and thirty thousand dollars.

lars is the amount of the debt hereby intended to be created.

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of Thirteen thousand four hundred and fifty-nine 43-100 dollars.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll, being the roll revised and confirmed on or about the fifth day of December, nineteen hundred and one, is the sum of Four millions three hundred and eighty-eight thousand four hundred and forty-five dollars.

And whereas the amount of the existing debenture debt of the municipality, exclusive of local improvement debts secured by special acts, rates or assessments, is the sum of Two hundred and seventy one thousand one hundred and twenty 90-100 dollars, and there is no part of the principal or interest in arrear.

The Corporation of the Town of Peterborough by the council thereof therefore enacts as follows .—

- 1. This by-law shall take effect on the day of the final passing thereof.
- 2. The purchase by the Corporation of the Town of Peterborough from the Peterborough Water Company of the said waterworks and appurtenances at the price aforesaid is hereby authorized and confirmed.
- 3. For the purpose aforesaid the sum of two hundred and thirty thousand dollars is hereby authorized to be borrowed by the said corporation and debentures of the said corporation for the said sum of two hundred and thirty thousand dollars are hereby authorized to be issued, to be scaled with the corporate seal and signed by the mayor and treasurer and countersigned by the secretary of the Commissioners of the Peterborough Town Trust.
- 4. Such debentures shall be made payable within thirty years from the issue thereof and shall bear interest at the rate of three and three-quarters per cent. per annum, and shall have coupons attached thereto for the payment of the interest, and shall be payable as to principal and interest at the office of the Secretary of the Commissioners of the Peterborough Town Trust, or at such other place, whether in Canada or elsewhere as the council may by by-law to be passed without the assent of the rate-payers fix and determine as to all or any of such debentures, and such payment shall be made on presentation of such debentures or coupons as the case may be.
- 5. The said waterworks and the lands acquired for the purpose thereof shall be specially charged with the repayment of the said sum of two hundred and thirty thousand dollars to be borrowed as aforesaid by the corporation for the purpose of such purchase and for the debentures to be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, waterworks and the property appertaining thereto and on all the revenues arising therefrom after providing

for the expenses attendant upon the operation and maintenance of the waterworks, for securing the payment of the said debentures and the interest thereon, and the said debentures and interest shall also be charged upon the whole rateable property in the municipality.

- 6. Subject to the provisions of sub-section 2 of this section, for the period of thirty years commencing with the year nineteen hundred and two, during the currency of the debentures there shall be raised annually by special rate on all the rateable proper y in the municipality for the payment of interest the sum of eight thousand six hundred and twenty-five dollars, and for the payment of the debt the sum of four thousand eight hundred and thirty-four 43 100 dollars, making together the annual sum of thirteen thousand four hundred and fifty-nine 43-100 dollars.
- (2) Provided, however, that the revenues arising from the said waterworks as aforesaid shall first be applied towards payment of such debentures and interest, and after so applying the moneys arising from such revenues, less the expenses of operation and maintenance, the council shall only be required to raise in each year by special rate on all the rateable property in the municipality a sum sufficient with the moneys arising from such revenues to make up the said annual sum of thirteen thousand four hundred and fifty nine 43-100 dollars, required for payment of the principal and interest of such debentures.
- 7. The said moneys so borrowed shall be used and applied in payment of the purchas- money of said waterworks and for no other purpose.
- 8. The said waterworks when purchased shall be managed by a hoard of commissioners of whom the head of the council shall ex-officio be one, and the remainder of whom shall be elected or appointed in accordance with provisions of Pha Municipal Waterworks Act and amendments thereof, the number of such commissioners to be three, provided always that the council may by by-law which it shall not be necessary to submit to the ratepayers at any time increase or alter the number of commissioners, but so that the same shall not be less than three nor more than five in number and such board of commissioners shall exercise and enjoy the powers, rights, authorities and immunities c inferred by The Municipal Waterworks Act upon the municipal corporation.
- 9. The votes of the duly qualified ratepayers of the Town of Peterborough shall be taken on this by-law on the sixth day of January next at the following places and before the following deputy returning officers, commencing at the hour of nine o'clock in the forenoon and ending at the hour of five o'clock in the afternoon of the same day, that is to say:—

Polling Division No. 1.—At M. H. Halpin's Store, corner George and Perry Streets, A. Williams to be Deputy Returning Officer.

Polling Division No. 2. — At Lewis Spry's Shop, Stewart Street, Joseph Lundy to be Deputy Returning Officer.

Polling Division No. 3.—At the Town Council Chamber, Charles Cameron to be Deputy Returning Officer.

Polling Division No. 4.—Greene Bros.' Store, corner Charlotte and Downie Streets, Mendel Greene to be Deputy Returning Officer.

Polling Division No. 5.—At J. & W. Metheral's Shop, Aylmer Street, Joseph Metheral to be Deputy Returning Officer.

Polling Division No. 6.—At William McCall's Shop, corner Reid and McDonnel Streets, John Irwin to be Deputy Returning Officer.

Polling Division No. 7.—At William Lee's Shop, Smith Street, George W. Powell to be Deputy Returning Officer.

\_ 10. The Seventh day of January, 1902, at the hour of 12 o'clock noon, and the office of the Town Clerk are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the By-law.

11. The Third day of January, 1902, at the hour of 12 o'clock noon, and the office of the Town Clerk, are hereby fixed as the time and place

for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.

(Sgd.) T. H. G. Denne, Mayor.

(Sgd.) S. R. Armstrong, Town Clerk.

I certify that this is a true copy of By-law No. 969 of the Town of Peterborough.

E. H. D. HALL, Town Solicitor.

# SCHEDULE C.

THE PETERBOROUGH WATER COMPANY.

By law No. 29.

A By-law to authorize the sale of 'the works and property of the Peterborough Water Company to the Corporation of the Town of Peterborough.

Whereas an agreement has been made and entered into for the sale of the company's works and property to the corporation of the Town of Peterborough at the price or sum of two hundred and thirty thous and dollars payab'e on or before the thirty-first day of January, one thousand nine hundred and two, with interest at the rate of six per cent. per annum from the first day of January, one thousand nine hundred and two, which sale was made subject to ratification of same by the shareholders of the company and by the ratepayers of the corporation;

And whereas it is in the interest of the company that such sale should be made at and for the price aforesaid to the corporation of the Town of Peterborough and that for the purposes aforesaid the said agreement should be ratified by by-law of the company at a special general meeting of the said company duly called for that purpose;

Therefore the Peterborough Water Company enacts as follows: That said in part recited agreement for the sale of the company's works and property to the corporation of the Town of Peterborough be and the same is hereby ratified, subject always to the ratification of same by the rate-payers of the said corporation;

And that the said The Peterborough Water Company be authorized and instructed to execute under the hand of its president and secretary-treasurer and place the corporate seal of the said company on any and all deeds, documents or conveyances necessary and requisite for the proper and effectual carrying out of said sale for the price aforesaid to the cerporation of the Town of Peterborough.

Dated at Peterborough this 23rd day of December, A.D., 1901.

(Sgd.) R. A. Morrow,

President P. W. Co'y.

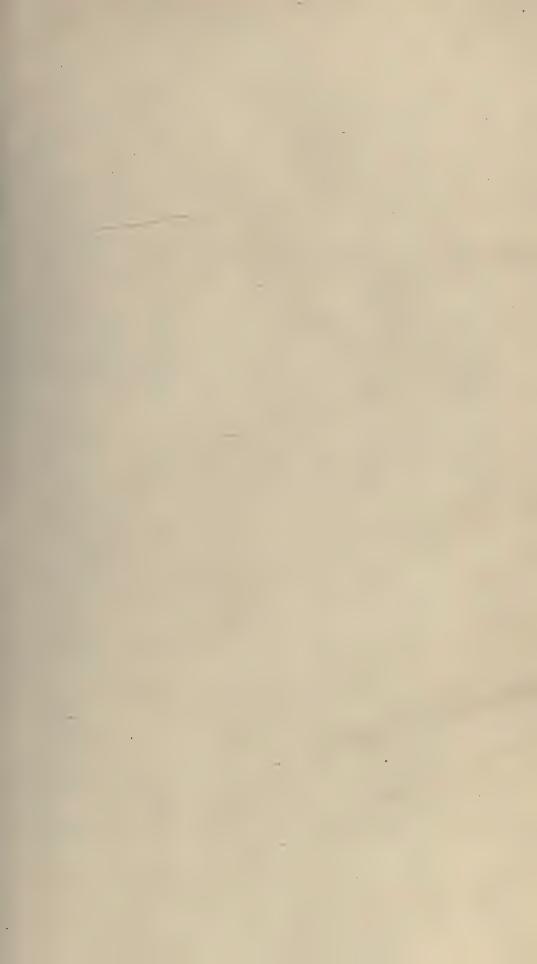
(Sgd.) G. W. HATTON,

Sec.-Treas. P. W. Co'y,

[Corporate Seal of Company.]

I certify that this is a true copy of By-law No. 29 of the Peterborough Water Company.

E. H. D. HALL, Town Solicitor.



5th Session, 9th Legislature, 2 Edward VII., 1902.

BILL.

An Act respecting the Town of Peterborough.

First Reading, 6th February, 1902.

(Reprinted as amended in Private Bills Committee.)

Mr. STRATTON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm By-Law No. 348 of The Village of Paisley.

WHEREAS the municipal corporation of the Village of Preamble. Paisley has by petition represented that the said corporation passed a By-law Number 348 for granting aid by way of loan of \$14,000 to George A. Burrows to aid him in 5 building a carpet factory and carrying on the business of carpet manufacturing in the said village; and whereas it has been shewn that the said George A. Burrows has since the passing of said by-law and in faith thereof bought a site for such factory in the said village, erected buildings thereon, and 10 placed machinery therein, all at great expense and labour in accordance with his agreement with said corporation and that he is now carrying on the business of carpet manufacturing in the said village; and whereas it appears that the said by-law was submitted to a vote of the ratepayers entitled to vote on 15 money by-laws as provided by The Municipal Act and that one hundred and seventy-two out of the two hundred and twenty-five ratepayers qualified to vote as aforesaid voted in favour of the said by-law and only six ratepayers voted against it, the whole available vote having been polled; and whereas 20 it has further been shewn that the said by law was duly registered in the registry office for the county of Bruce on the 31st day of July 1901. And it appears that no steps have been taken, or application made to quash said by l w and that the corporation of the said village of Paisley has issued debentures 25 in pursuance of said by-law and have sold some of the said debentures to private parties in the said Village of Paisley and have advanced part of said loan of \$14,000 to the said George A. Burrows; and whereas it has been represented that the said corporation has not hitherto passed any by-law for 30 granting aid by way of bonus, and that the said factory is the only carpet factory in the said village; and whereas it is recited in the said by-law that the granting of the loan in the said by-law mentioned would not, for its payment, together with the payment of any other debenture indebtedness of the 35 said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof; and whereas it has been made to appear that such recital is not strictly accurate in that, for the first six years of the period of twenty years over which the debentures 40 authorized by the said by-law extend, there will be required

to be levied annually for principal and interest an amount somewhat exceeding 10 per cent. of the total annual municipal taxation of the municipality, but it also appears that for the last fourteen years of the said period there will require to be so levied annually an amount considerably less than 10 per 5 cent. of such total annual municipal taxation, taking into consideration the amount to be repaid annually by the said G. A. Burrows for the said period of fourteen years and deducting the same from the amount so required to be levied annually, and that, therefore, the average amount which will require to 10 be levied annually for principal and interest under the said bylaw for the said period of twenty years will be less than 10 per cent. of the total annual municipal taxation of the municipality; and whereas it appears that the said municipality and the said Burrows were unaware of the mistake made in the 15 said recital, and they acted in good faith in entering into the said agreement and passing the said by-law and in carrying out the provisions of such by-law and agreement; and whereas it has also been made to appear that the present rate of taxation in the said village, including school rates, is only 18 20 mills in the dollar; and whereas the said corporation has prayed that the said by-law and agreement may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent 25 of the Legislative Assembly of the Province of Ontario, enacts

as follows :-

By-law No. 348 of Village of Paisley confirmed.

1. By-law number 348, of the corporation of the Village of Paisley, set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said 30 municipal corporation and the ratepayers thereof to all intents and purposes and from the time of the passing thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect or error in substance or in form of the said by-law 35 or in the same or in the manner of passing the same, and the said debentures issued under the said by-law are hereby declared valid, legal and binding upon the said corporation and the ratepayers thereof, anything contained in The Municipal Act or any other Act to the contrary notwithstanding, and the 40 said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-lay No. 348.

Agreement as to carpet factory confirmed. 2. The agreement set forth in Schedule B to this Act is hereby declared to be valid and binding.

## SCHEDULE A.

BY-LAW NO. 348 OF THE VILLAGE OF PAISLEY.

A By-law to authorize the Village of Paisley to borrow upon its debentures \$14,000.00 to assist by way of loan the industry of carpet manufacturing in said village.

Whereas G. A. Burrows of the Village of Breslau, in the county of Waterloo, manufacturer, has applied to said corporation for aid by way of loan of \$14,000.00 to him in the manufacturing of carpet, to be secured in manner provided by a certain agreement provisionally entered into by him with said corporation, a copy whereof is hereunder written marked Schedule B.

And whereas it is necessary for said corporation to borrow upon its debentures said sum of \$14,000.00, which sum together with the interest thereon shall be repaid in twenty year from the date of the final passing hereof in such sums annually as shall make the aggregate amount payable for principal and interest in any one of the said years of said term equal to that payable in any other of said years of said term.

And whereas it is expedient in the opinion of the municipal council of said village to develop the said industry in said Village of Paisley and aid

same pursuant to said agreement.

And whereas the amounts required to be raised annually during the said period upon all the rateable property of this municipality to meet said annual payments of principal and interest in each of said years are respectively set forth opposite said years in the schedule hereunder written marked A.

And whereas the whole rateable property of the said municipality according to the last revised assessment roll, being for the year 1900, is

valued for \$301,065 00.

And whereas the amount of the existing debenture debt of said municipality is \$1,262.65, of which no sum is in arrears for principal or interest.

And whereas the business to be carried on by the said G. A. Burrows is not of a similar nature to any one already established in the said municipality.

pality

And whereas the granting of said loan will not for its payment, together with the payment of any other debenture indebtedness of said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof.

Be it therefore and it is hereby enacted by the corporation of the Village of Paisley by virtue of *The Municipal Act* and other Acts them thereunto

enabling as follows:

- 1. It shall be lawful for this municipality to borrow upon its debentures the sum of \$1,400.00 and to issue its debentures for raising said sum to be granted and paid over by way of loan to G. A. Burrows, and the same shall be payable within twenty years from the final passing of this by-law and shall bear interest at four per cent. per annum upon the unpaid portion thereof payable yearly.
- 2. There shall be repaid in each of said years upon said loan until the same has been fully paid off, commencing at the end of one year from the date of the passing of this by-law and thereafter in each year throughout said term, the amount set opposite each year in Schedule A hereunder written in the third column thereof on account of the principal, and the amount set opposite the said year in the said schedule in the fourth column thereof for interest.
- 3. Separate debentures shall be issued for the amount so payable for principal in each of said years, which shall bear interest at four per cent. per annum, and shall have attached to them coupons for the payment of the said interest, and no such debentures shall be for a less sum than \$470.15 for any one thereof.
  - 4. For the purpose of paying off said debentures there shall be raised

annually during the said period until the said loan is paid off, upon all the rateable property in this municipality, the amount of interest and of principal payable in each said year as set out in Schedule A, which sum shall be levied by special rate upon the whole rateable property of the municipality.

5. All debentures required to raise said loan shall be issued and disposed of by the reeve of this municipality when and as directed by the municipal council thereof, and shall be payable at the office of the treasurer of this municipality in Paisley.

6. The reeve and treasurer shall sign each of said debentures and coupons, and the clerk shall affix the corporate seal of the said municipality to each of said debentures.

7. It shall and may be lawful for said corporation to grant free water and exemption from taxes, except school tax, to said G. A. Burrows as provided in the said agreement as set out in Schedule B hereto.

8. The votes of the ratepayers of this municipality, who are entitled by law to vote on this by-law, shall be taken on this by-law in the various polling sub-divisions of this municipality on the fourth day of July, A.D. 1901, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, during which interval the polls shall be and remain open and at the polling places hereinafter mentioned, and the person whose name is mentioned opposite to each polling place shall be deputy returning officer for same, and on Thursday the twenty-seventh day of June, A.D. 1901, at the town hall in said municipality, at the hour of ten o'clock in the forenoon, there shall he appointed persons to attend at the various polling places and at the final summing up of the votes for and against this by-law by the clerk, respectively, on behalf of the persons interested in the promotion or opposing the said by-law respectively. Polling Subdivision.

Polling Place.

Deputy Return-

Number One Council Chamber, Town Hall, James C. Gibson.
Number Two David Bell's shoe shop. Frank E. Sheppard.

- 9. That James C. Gibson, clerk of this municipality, shall be returning officer, and shall sum up the number of votes given for and against this by-law forthwith upon the closing of the polls, and shall declare the result thereof at the hour of twelve o'clock noon upon the fifth day of July, A.D. 1901, in the clerk's office in the town hall in the said Village of Paisley.
- 10. The municipal council by their proper officers in that behalf may execute such documents as may be necessary to fully insure the carrying out of said agreement mentioned in and set out in Schedule B hereinafter written.
- 11. That wherever the words municipality or corporation are hereinbefore used, they are intended to be and shall be construed to mean "The municipality and corporation of the Village of Paisley," and wherever the words "reeve," treasurer," "clerk," "proper officer," "council," and "municipal council" are used, they are intended to be and shall be construed to mean the reeve, treasurer, clerk, proper officer, council, and municipal council of the municipality and corporation of the Village of Paisley.
- 12. This by-law shall take effect and come into operation from and after the final passing thereof.

Passed in open council this eighth day of July, A.D. 1901.

(Sgd.) J. C. Gibson, Clerk. (Sgd.) A. Fisher, Reeve



# SCHEDUDE A.

Shewing the amounts to be raised yearly on the rateable property of the municipality and to be paid yearly for principal and interest under this by-law pursuant to the second and fourth paragraphs of said by law:

1	. 2	3	4	5
Number of	For the	Amount of	Amount of	Total amount
payments.	year.	_ principal.	interest.	for each year.
1		\$470 15	\$560 00	\$1,030 15
2		488 96	541 19	1.030 15
3		508 52	521 63	1,030 15
4		528 86	501 29	1,030 15
5		550 01	480 14	1,030 15
		572 01	458 14	1.030 15
6		594 89	435 26	1,030 15
7			411 46	
8		618 69		1,030 15
9		643 44	386 71	1,030 15
10		669 18	360 97	1,030 15
11		695 95	334 20	1,030 15
12		723 79	306 36	1,030 15
13	1914	752 74	277 41	1,030 15
14		782 85	247 30	1,030 15
15	1916	814 16	215 99	1,030 15
4.0	1917	846 73	183 42	1,030 15
17	1918	880 60	149 55	1,030 15
18		915 82	114 33	1,030 15
19		952 45	77 70	1,030 15
20		990 20	39 95	1,030 15
				_,

#### SCHEDULE B.

# Referred to in the foregoing by-law.

Memorandum of agreement made and entered into the 30th day of May, A.D., 1901, between G. A. Burrows of Breslau, Ontario, manufacturer, of the first part, and the municipal corporation of the village of Paisley, of the second part.

Witnesseth that the said parties do hereby agree with each other in the manner following, namely:

- 1. The said party of the first part agrees, for the consideration hereinafter mentioned, to erect in the Village of Paisley a brick building not less than 30 by 80 feet one storey high, suitable for a carpet factory, also a boiler and engine house, dry house not less than 28 by 28 feet two storeys high, also a dye house 20 by 25 feet one storey high, and complete each of said buildings in a suitable manner for the purposes for which they are intended.
- 2. The said party of the first part agrees to place in the said buildings in first class order the following machinery and other apparatus used for the purpose of manufacturing carpets: Two fringe looms, seven power carpet looms, one carpet roller, one twister, one copping machine, one spooling machine, eight hundred spools, one warping machine, one card stamper, one card cutter, one pattern designs, patterns, two beam trucks, yard binns, card shelves, two copp stands, one table, three birling tables, one wheelbarrow, seven dye tubs, one scouring machine, two stair carpet looms, one shearing machine, one set plumbing tools, one set fixers tools, two trucks, one boiler and engine from thirty-five to forty horse power capacity, together with shafting, pulleys, hangers, belting, heating pipes,

and other necessary machinery for the equipment of a modern carpet factory capable of employing thirty-five hands, which said machinery is of the value of \$11,000. Said machinery shall be free from all liens and encumbrances.

- 3. The said party of the first part agrees that in addition to the said machinery mentioned in the second paragraph hereof he will purchase and place in said buildings in running order one art square loom, but as time may be required by the builder of such art square loom to build such machine, the parties of the second part may withhold the sum of fifteen hundred dollars from the second instalment of the moneys hereinafter agreed to be advanced to the party of the first part, until the said art square loom is so provided and placed.
- 4. The party of the first part agrees to employ in said factory thirty-five hands for at least ten months in each and every year for twenty years next after the by-law as hereinafter mentioned shall be passed by the parties of the second part, and of the said number of hands at least seventeen must be men and the other eighteen may be boys or girls. The party of the first part may comply with this requirement by employing thirty-five hands as aroresaid on an average for each working day during a period of ten months in the aggregate each year, commencing in the year after the factory commences to run: the above mentioned buildings to be completed, the machinery to be placed and factory to be running before the end of the year 1901.
- 5. The foregoing agreements are subject to the parties of the second part passing a valid by-law hereinafter mentioned as soon as it is possible to pass such a by-law after the execution of this agreement.
- 6. The said parties of the second part, for the purpose of promoting manufacturing within the said municipality agree to submit a by-law to the electors of Paisley to raise fourteen thousand dollars for a term of twenty years and loan the said sum of fourteen thousand dollars without interest to the said party of the first part as hereinafter provided: Provided that such by-law shall be assented to by the necessary majority of the electors of the said Village of Paisley to render the same valid. The said parties of the second part also agree to grant the said party of the first part exemption from all municipal taxes, except school taxes, upon or in respect of the said manufacturing establishment for ten years from the first of January, 1902, and so far as in their power, also, to grant a renewal of such exemption for a further period of ten years, to take effect at the expiry of such first period, and they also agree to grant to the party of the first part for the said period of twenty years fire protection for said factory by extending and maintaining their water mains to within four hundred feet of the said factory. The said parties of the second part also agree that if the site selected for the said buildings by the said party of the first part shall not be nearer than 150 feet to a stream of flowing water, that they will at all times during the said term of twenty years, except when the waterworks system is unavoidably out of repair, supply the said party of the first part with water for said factory free of expense.

The said party of the first part is to erect a reservoir or tank in connection with his factory of the capacity of not less than 5,000 gallons, and the said parties of the second part agree to keep in the said tank or reservoir at all times, save as aforesaid for said period, sufficient water for the use of the said party of the first part on his premises as aforesaid, and the parties of the second part shall take all such proceedings and do all such acts as may be required by law to enable them lawfully to give effect to, and carry out, the provisions hereof.

7. The said sum of fourteen thousand dollars shall be loaned to the said party of the first part in manner following, namely:—70 per cent. of the price of the said buildings to be erected to be paid to the said party of the first part as the buil ings progress, upon estimates to be furnished by a competent inspector who is to be agreed upon by the parties of the first and second parts and if they fail to agree, then such inspector shall be appointed by the judge of the County Court of the County of Bruce on the application of either party hereto upon six days notice to

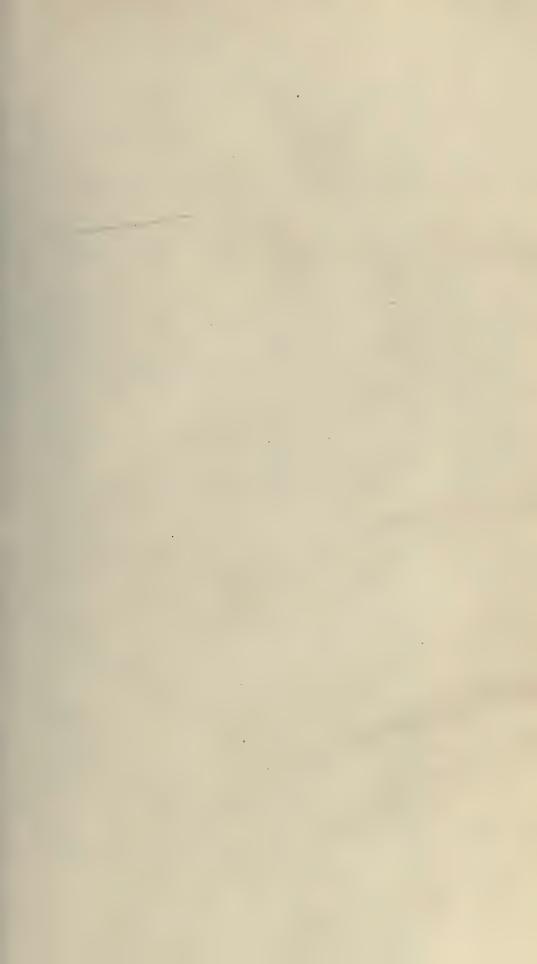
the other party, the charge or fee of such inspector if appointed by said judge or otherwise chosen to be paid, one half by each of the parties hereto; the said 70 per cent. to be paid in four estimates, the first of such estimates to be paid when the said buildings shall have advanced 25 per cent. the second of such estimates when the said buildings shall have advanced 50 per cent, and the third estimate when the said buildings shall have advanced 75 per cent, towards completion and the fourth when the buildings are completed: \$2000 to be paid to the said party of the first part when said machinery arrives at the railway station at Paisley \$2000.00 to be paid when the said machinery is in place in the said factory premises, \$3000.00 to be paid when the factory has been running for one week with eighteen hands employed and the remaining balance of said sum of \$14000.00 to be paid to the said party of the first part when the said factory is running and the full number of hands employed in the said factory, namely, thirty-five as above mentioned all the above payments to be made by way of loan for a period of twenty years from the date of the passage of the said by-law, but said loan to be repaid by the said party of the first part in manner hereinafter provided.

- 8. The said party of the first part agrees to give a first mortgage on the said real property and all plant and machinery fixed therein and keep the said property insured in the sum of not less than \$8000.00 in favour of the corporation of the Village of Paisley as security for the fulfilment of this agreement, and the said party of the first part further agrees to keep an average of thirty-five hands employed on an average for each working day for an aggregate of ten months in each and every year for twenty years as hereinbefore mentioned. And the said party of the first part agrees to pay back to the said corporation on account of the said loan the sum of one thousand dollars of lawful money of Canada on the thirty-first day of December, in the year 1907, and the sum of one thousand dollars on the thirty-first day of December, in each and every year thereafter until the whole of the said sum of \$14,000.00 has been repaid to the said parties of the second part, but without interest, and the party of the first part agrees to keep the said insurance for the said amount fully paid up and in force until the amount due to the said parties of the second part become less than the said insurance, when the said insurance may be reduced to the total amount due to the parties of the second part.
- 9. The said parties of the second part agree with the said party of the first part that when he has selected his site and erected his buildings thereon pursuant to this agreement that on the request of the said party of the first part the said parties of the second part shall and will exert all their influence with the Grand Trunk Railway Company in order to procure from the said railway company the construction of a railway switch or siding from the present line of railway to the factory premises of the said party of the first part.
- 10. The said party of the first part agrees to execute a mortgage upon all his said real property, including fixed plant and machinery above described and included in this agreement, in favor of the parties of the second part, such mortgage to be in the usual statutory form and to contain provision that the same may be foreclosed by the parties of the second part should default be made by the said party of the first part in the agreement which he has entered into with the said parties of the second part as witnessed by these presents, and that such mortgage shall be executed when the first payment of the said loan of \$14 000.00 has been made as hereinbefore provided.
- 11. And it is further agreed that if the said party of the first part after the passage of a valid by law aforesaid by the said Village of Paisley shall fail to erect and equip the said factory according to this agreement, that he will pay to the parties of the second part all expenses incurred by the council of the said village in connection with this agreement and the bylaw from the date of these presents to the date of such failure.
- 12. This agreement shall be read and construed as if the agreements herein contained on the part of the party of the first part had been expressed throughout to be made by him for himself, his executors,

administrators and assigns, and as if the agreements and grants on the part of the parties of the second part had been expressed throughout to be made with and to the party of the first part and his executors, administrators and assigns.

As witness the hand and seal of the said party of the first part and the corporate seal of the parties of the second part the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) G. A. Burrows [L.S.] (L.S. Corp. (Sgd.) A. Fisher, Reeve. P.O. Dept., Guelph.)



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to confirm By-law No. 348 of the Village of Paisley.

First Reading,

, 1902.

Mr. MALCOLM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm By-Law No. 348 of The Village of Paisley.

HEREAS the Municipal Corporation of the Village of Preamble. Paisley has by petition represented that the said corporation passed a By-law Number 348 for granting aid by way of loan of \$14,000 to George A. Burrows to aid him in building a carpet factory and carrying on the business of carpet manufacturing in the said village; and whereas it has been shewn that the said George A. Burrows has since the passing of said by-law and in faith thereof bought a site for such factory in the said village, erected buildings thereon, and placed machinery therein, all at great expense and labour in accordance with his agreement with the said corporation and that he is now carrying on the business of carpet manufacturing in the said village; and whereas it appears that the said by-law was submitted to a vote of the rate payers entitled to vote on money by-laws as provided by The Municipal Act and that one hundred and seventy-two out of the two hundred and twenty-five ratepayers qualified to vote as aforesaid voted in favour of the said by-law and only six ratepayers voted against it, the whole available vote having been polled; and whereas it has further been shewn that the said by-law was duly registered in the registry office for the county of Bruce on the 31st day of July 1901, and that no steps have been taken, or application made to quash the said by-law and that the corporation of the said village of Paisley has issued debentures in pursuance of the said by-law and has sold some of the said debentures to private parties in the said Village of Paisley and has advanced part of said loan of \$14,000 to the said George A. Burrows; and whereas it has been represented that the said corporation has not hitherto passed any by-law for granting aid by way of bonus, and that the said factory is the only carpet factory in the said village; and whereas it is recited in the said by-law that the granting of the loan in the said by-law mentioned would not, for its payment, together with the payment of any other debenture indebtedness of the said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof; and whereas it has been made to appear that such recital is not accurate in this that, for the first six years of the period of twenty years over which the debentures authorized by the said by-law extend, there will be required

to be levied annually for principal and interest an amount exceeding 10 per cent. of the total annual municipal taxation of the municipality, but it also appears that for the last fourteen years of the said period there will require to be so levied annually an amount considerably less than 10 per cent. of such total annual municipal taxation, taking into consideration the amount to be repaid annually by the said G. A. Burrows for the said period of fourteen years and deducting the same from the amount so required to be levied annually, and that, therefore, the average amount which will require to be levied annually for principal and interest under the said bylaw for the said period of twenty years will be less than 10 per cent. of the total annual municipal taxation of the municipality; and whereas it appears that the said municipality and the said Burrows were unaware of the mistake made in the said recital, and acted in good faith in entering into the said agreement and passing the said by-law and in carrying out the provisions of such by law and agreement; and whereas it has also been made to appear that the present rate of taxation in the said village, including school rates, is only 18 mills in the dollar; and whereas the said corporation has prayed that the said by-law and agreement may be confirmed and declared legal and valid, and there is no opposition thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts

as follows :--

By-law No 348 of Village of Paisley confirmed.

1. By-law number 348, of the Corporation of the Village of Paisley, set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof to all intents and purposes and from the time of the passing thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect or error in substance or in form of the said by-law, or in the manner of passing the same, and the said debentures issued under the said by-law are hereby declared valid, legal and binding upon the said corporation and the ratepayers thereof, anything contained in *The Municipal Act* or any other Act to the contrary notwithstanding, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-lay No. 348.

Rev. Stat. c. 123.

2. The agreement set forth in Schedule B to this Act is hereby declared to be valid and binding.

Agreement as to carpet factory confirmed.

# SCHEDULE A.

### BY-LAW NO. 348 OF THE VILLAGE OF PAISLEY.

A By-law to authorize the Village of Paisley to borrow upon its debentures \$14,000.00 to assist by way of loan the industry of carpet manufacturing in said village.

Whereas G. A. Burrows of the Village of Breslau, in the county of Waterloo, manufacturer, has applied to said corporation for aid by way of loan of \$14,000.00 to him in the manufacturing of carpet, to be secured in manner provided by a certain agreement provisionally entered into by him with said corporation, a copy whereof is hereunder written marked Schedule B.

And whereas it is necessary for said corporation to borrow upon its debentures said sum of \$14,000.00, which sum together with the interest thereon shall be repaid in twenty year from the date of the final passing hereof in such sums annually as shall make the aggregate amount payable for principal and interest in any one of the said years of said term equal to that payable in any other of said years of said term.

And whereas it is expedient in the opinion of the municipal council of said village to develop the said industry in said Village of Paisley and aid

same pursuant to said agreement.

And whereas the amounts required to be raised annually during the said period upon all the rateable property of this municipality to meet said annual payments of principal and interest in each of said years are respectively set forth opposite said years in the schedule hereunder written marked A.

And whereas the whole rateable property of the said municipality according to the last revised assessment roll, being for the year 1900, is

valued for \$301 065 00.

And whereas the amount of the existing debenture debt of said municipality is \$1,262.65, of which no sum is in arrears for principal or interest.

pality is \$1,262.65, of which no sum is in arrears for principal or interest.

And whereas the business to be carried on by the said G. A. Burrows is not of a similar nature to any one already established in the said municipality.

And whereas the granting of said loan will not for its payment, together with the payment of any other debenture indebtedness of said municipality, require an annual levy for principal and interest exceeding 10 per cent.

of the total annual municipal taxation thereof.

Be it therefore and it is hereby enacted by the corporation of the Village of Paisley by virtue of *The Municipal Act* and other Acts them thereunto enabling as follows:

- 1. It shall be lawful for this municipality to borrow upon its debentures the sum of \$14,000.00 and to issue its debentures for raising said sum to be granted and paid over by way of loan to said G. A. Burrows, and the same shall be payable within twenty years from the final passing of this by-law and shall beer interest at four per cent. per annum upon the unpaid portion thereof payable yearly.
- 2. There shall be repaid in each of said years upon said loan until the same has been fully paid off, commencing at the end of one year from the date of the passing of this by law and thereafter in each year throughout said term, the amount set opposite said year in said Schedule A hereunder written in the third column thereof on account of the principal, and the amount set opposite the said year in the said schedule in the fourth column thereof for interest.
- 3. Separate debentures shall be issued for the amount so payable for principal in each of said years, which shall bear interest at four per ent. per annum, and shall have attached to them coupons for the payment of the said interest, and no such debentures shall be for a less sum than \$470.15 for any one thereof.
  - 4. For the purpose of paying off said debentures there shall be raised

annually during the said period until the said loan is paid off, upon all the rateable property in this municipality, the amount of interest and of principal payable in each said year as set out in Schedule A, which sum shall be levied by special rate upon the whole rateable property of the municipality.

- 5. All debentures required to raise said loan shall be issued and disposed of by the reeve of this municipality when and as directed by the municipal council thereof, and shall be payable at the office of the treasurer of this municipality in Paisley.
- 6. The reeve and treasurer shall sign each of said debentures and coupons, and the clerk shall affix the corporate seal of the said municipality to each of said debentures.
- 7. It shall and may be lawful for said corporation to grant free water and exemption from taxes, except school tax, to said G. A. Burrows as provided in the said agreement as set out in Schedule B hereto.
- 8. The votes of the ratepayers of this municipality, who are entitled by law to vote on this by-law, shall be taken on this by-law in the various polling sub-divisions of this municipality on the fourth day of July, A.D. 1901, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, during which interval the polls shall be and remain open and at the polling places hereinafter mentioned, and the person whose name is mentioned opposite to each polling place shall be deputy returning officer for same, and on Thursday the twenty-seventh day of June, A.D. 1901, at the town hall in said municipality, at the hour of ten o'clock in the forenoon, there shall be appointed persons to attend at the various polling places and at the final summing up of the votes for and against this by-law by the clerk, respectively, on behalf of the persons interested in the promotion or opposing the said by-law respectively. Polling Subdivision.

Number One
Number Two

Council Chamber, Town Hall, James C. Gibson.
Frank E. Sheppard.

- 9. That James C. Gibson, clerk of this municipality, shall be returning officer, and shall sum up the number of votes given for and against this by-law forthwith upon the closing of the polls, and shall declare the result thereof at the hour of twelve o'clock noon upon the fifth day of July, A.D. 1901, in the clerk's office in the town hall in the said Village of Paisley.
- 10. The municipal council by their proper officers in that behalf may execute such documents as may be necessary to fully insure the carrying out of said agreement mentioned in and set out in Schedule B hereinafter written.
- 11. That wherever the words municipality or corporation are hereinbefore used, they are intended to be and shall be construed to mean "The municipality and corporation of the Village of Paisley," and wherever the words "reeve," treasurer," "clerk," "proper officer," "council," and "municipal council" are used, they are intended to be and shall be construed to mean the reeve, treasurer, clerk, proper officer, council, and municipal council of the municipality and corporation of the Village of Paisley.
- 12. This by-law shall take effect and come into operation from and after the final passing thereof.

Passed in open council this eighth day of July, A.D. 1901.

(Sgd.) J. C. Gibson, Clerk. (Sgd.) A. Fisher, Reeve



# SCHEDUDE A.

Shewing the amounts to be raised yearly on the rateable property of the municipality and to be paid yearly for principal and interest under this by-law pursuant to the second and fourth paragraphs of said by law:

1	2	3	4	5
Number of	For the	Amount of	Amount of	Total amount
payments.	year.	principal.	interest.	for each year.
1	1902	\$470 15	<b>\$</b> 560 00	\$1 030 15
2	1903	488 96	541 19	1,030 15
3		508 52	521 63	1,030 15
4		528 86	501 29	1,030 15
5		550 01	480 14	1,030 15
6		572 01	458 14	1,030 15
7		.594 89	435 26	1,030 15
8		618 69	411 46	1,030 15
9		643 44	386 71	1,030 15
10		669 18	360 97	1,030 15
11	1912	695 95	334 20	1,030 15
12		723 79	306 36	1,030 15
13		752 74	277 41	1,030 15
14		782 85	247 30	1,030 15
15		814 16	215 99	1,030 15
16		846 73	183 42	1,030 15
17		880 60	149 55	1,030 15
18		915 82	114 33	1,030 15
19		952 45	77 70	1,030 15
		990 20	39 85	1,030 15
20	1321	000 20	00 00	1,000 10

# SCHEDULE B.

Schedule B, referred to in the foregoing by-law.

Memorandum of agreement made and entered into the 30th day of May, A.D., 1901, between G. A. Burrows of Breslau, Ontario, manufacturer, of the first part, and the municipal corporation of the village of Paisley, of the second part.

Witnesseth that the said parties do hereby agree with each other in the manner following, namely:

- 1. The said party of the first part agrees, for the consideration hereinafter mentioned, to erect in the Village of Paisley a brick building not less than 30 by 80 feet one storey high, suitable for a carpet factory, also a boiler and engine house, dry house not less than 28 by 28 feet two storeys high, also a dye house 20 by 25 feet one storey high, and complete each of said buildings in a suitable manner for the purposes for which they are intended.
- 2. The said party of the first part agrees to place in the said buildings in first class order the following machinery and other apparatus used for the purpose of manufacturing carpets: Two fringe looms, seven power carpet looms, one carpet roller, one twister, one copping machine, one spooling machine, eight hundred spools, one warping machine, one card stamper, one card cutter, one pattern designs, patterns, two beam trucks, yard binns, card shelves, two copp stands, one table, three birling tables, one wheelbarrow, seven dye tubs, one scouring machine, two stair carpet looms, one shearing machine, one set fixers tools, two trucks, one boiler and engine from thirty-five to forty horse power capacity, together with shafting, pulleys, hangers, belting, heating pipes,

and other necessary machinery for the equipment of a modern carpet factory capable of employing thirty-five hands, which said machinery is of the value of \$11,000. Said machinery shall be free from all liens and encumbrances.

- 3. The said party of the first part agrees that in addition to the said machinery mentioned in the second paragraph hereof he will purchase and place in said buildings in running order one art square loom, but as time may be required by the builder of such art square loom to build such machine, the parties of the second part may withhold the sum of fifteen hundred dollars from the second instalment of the moneys hereinafter agreed to be advanced to the party of the first part, until the said art square loom is so provided and placed.
- 4. The party of the first part agrees to employ in said factory thirty-five hands for at least ten months in each and every year for twenty years next after the by-law as hereinafter mentioned shall be passed by the parties of the second part, and of the said number of hands at least seventeen must be men and the other eighteen may be boys or girls. The party of the first part may comply with this requirement by employing thirty-five hands as aforesaid on an average for each working day during a period of ten months in the aggregate each year, commencing in the year after the factory commences to run: the above mentioned buildings to be completed, machinery to be placed and factory to be running before the end of the year 1901.
- 5. The foregoing agreements are subject to the parties of the second part passing a valid by-law hereinafter mentioned as soon as it is possible to pass such a by-law after the execution of this agreement.
- 6. The said parties of the second part, for the purpose of promoting manufacturing within the said municipality agree to submit a 'y-law to the electors of Paisley to raise fourteen thousand dollars for a term of twenty years and loan the said sum of fourteen thousand dollars without interest to the said party of the first part as hereinafter provided : Provided that such by-law shall be assented to by the necessary majority of the electors of the said Village of Paisley to render the same valid. said parties of the second part also agree to grant the said party of the first part exemption from all municipal taxes, except school taxes, upon or in respect of the said manufacturing establishment for ten years from the first day of January, 1902, and so far as in their power, also, to grant a renewal of such exemption for a further period of ten years, to take effect at the expiry of such first period, and they also agree to grant to the party of the first part for the said period of twenty years fire protection for said factory by extending and maintaining their water mains to within four hundred feet of the said factory. The said parties of the second part also agree that if the site selected for the said buildings by the said party of the first part shall not be nearer than 150 feet to a stream of flowing water, that they will at all times during the said term of twenty years, except when the waterworks system is unavoidably out of repair, supply the said party of the first part with water for said factory free of expense.

The said party of the first part is to erect a reservoir or tank in connection with his factory of the capacity of not less than 5.900 gallons, and the said parties of the second part agree to keep in the said tank or reservoir at all times, save as aforesaid for said period, sufficient water for the use of the said party of the first part on his premises as aforesaid, and the parties of the second part shall take all such proceedings and do all such acts as may be required by law to enable them lawfully to give effect to, and carry out, the provisions hereof.

7. The said sum of fourteen thousand dollars shall be loaned to the said party of the first part in manner following, namely:—70 per cent. of the price of the said buildings to be erected to be paid to the said party of the first part as the buil ings progress, upon estimates to be furnished by a competent inspector who is to be agreed upon by the parties of the first and second parts and if they fail to agree, then such inspector shall be appointed by the judge of the County Court of the County of Bruce on the application of either party hereto upon six days notice to

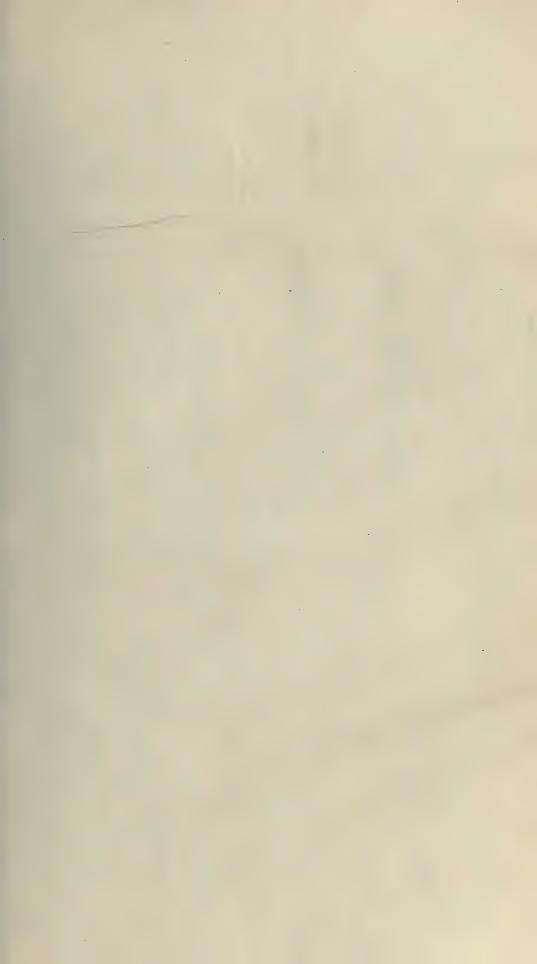
the other party, the charge or fee of such inspector if appointed by said judge or otherwise chosen to be paid, one half by each of the parties hereto; the said 70 per cent. to be paid in four estimates, the first of such estimates to be paid when the said buildings shall have advanced 25 per cent. the second of such estimates when the said buildings shall have advanced 50 per cent, and the third estimate when the said buildings shall have advanced 75 per cent, towards completion and the fourth when the buildings are completed: \$2000 to be paid to the said party of the first part when said machinery arrives at the railway station at Paisley, \$2000.00 to be paid when the said machinery is in place in the said factory premises, \$3000.00 to be paid when the factory has been running for one week with eighteen hands employed and the remaining balance of said sum of \$14000.00 to be paid to the said party of the first part when the said factory is running and the full number of hands employed in the saidfactory, namely, thirty-five as above mentioned; all the above payments to be made by way of loan for a period of twenty years from the date of the passage of the said by-law, but said loan to be repaid by the said party of the first part in manner hereinafter provided.

- 8. The said party of the first part agrees to give a first mortgage on the said real property and all plant and machinery fixed therein and keep the said property insured in the sum of not less than \$8000.00 in favour of the corporation of the Village of Paisley as security for the fulfilment of this agreement, and the said party of the first part further agrees to keep an average of thirty-five hands employed on an average for each working day for an aggregate of t n months in each and every year for twenty years as hereinbe fore mentioned. And the said party of the first part agrees to pay back to the said corporation on account of the said loan the sum of one thousand dollars of lawful money of Canada on the thirty-first day of December, in the year 1907, and the sum of one thousand dollars on the thirty-first day of December, in each and every year thereafter until the whole of the said sum of \$14,000.00 has been repaid to the said parties of the second part, but without interest, and the party of the first part agrees to keep the said insurance for the said amount fully paid up and in force until the amount due to the said parties of the second part becomes less than the said insurance, when the said insurance may be reduced to the total amount due to the parties of the second part.
- 9. The said parties of the second part agree with the said party of the first part that when he has selected his site and erected his buildings thereon pursuant to this agreement that on the request of the said party of the first part the said parties of the second part shall and will exert all their influence with the Grand Trunk Railway Company in order to procure from the said railway company the construction of a railway switch or siding from the present line of railway to the factory premises of the said party of the first part.
- 10. The said party of the first part agrees to execute a mortgage upon all his said real property, including fixed plant and machinery above described and included in this agreement, in favor of the parties of the second part, such mortgage to be in the usual statutory form and to contain provisions that the same may be foreclosed by the parties of the second part should default be made by the said party of the first part in the agreement which he has entered into with the said parties of the second part as witnessed by these presents, and that such mortgage shall be executed when the first payment of the said loan of \$14,000,00 has been made as hereinbefore provided.
- 11. And it is further agreed that if the said party of the first part after the passage of a valid by law aforesaid by the said Village of Paisley shall fail to erect and equip the said factory according to this agreement, that he will pay to the parties of the second part all expenses incurred by the council of the said village in connection with this agreement and the bylaw from the date of these presents to the date of such failure.
- 12. This agreement shall be read and construed as if the agreements herein contained on the part of the party of the first part had been expressed throughout to be made by him for himself, his executors,

administrators and assigns, and as if the agreements and grants on the part of the parties of the second part had been expressed throughout to be made with and to the party of the first part and his executors, administrators and assigns.

As witness the hand and seal of the said party of the first part and the corporate seal of the parties of the second part the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) G. A. Burrows [L.S.] (L.S. Corp) (Sgd.) A. Fisher, Reeve. P.O. Dept., Guelph.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to confirm By-law No. 348 of the Village of Paisley.

First Reading, 21st January, 1902.

(Reprinted as amended by Private Bills Committee).

Mr. MALCOLM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

# An Act respecting the City of London.

WIIEREAS, the Corporation of the City of London has, by its petition, shown that by By-law number 1951 of Pleambe. the City of London, passed on the 13th day of January, A. D. 1902, set forth as Schedule A hereto, it was enacted, 5 subject to the confirmation thereof by an Act of the Legislature, that, for the period of ten years, from the first day of January, A. D. 1903, the real and per-onal property of The Mc-Clary Manufacturing Company, used and employed by the said company in the business which it now carries on, or may 10 hereafter carry on, in the City of London, shall not be assessed for any purpose at a greater sum than \$150,000 in any of the said years.; and that by By-law number 1952, passed on the 13th day of January, A.D. 1902, set forth as Schedule B hereto, it was enacted, subject to the confirmation 15 thereof by an Act of the Legislature, that, for the period of ten years from the first day of January, A.D. 1903, the real and personal property of The George White and Sons Company, Limited, used and employed by the said company in the business which it now carries on, or may hereafter carry on, 20 in the City of London, shall not be assessed for any purpose at a greater sum than \$17,000 in any of the said years; and whereas it has been made to appear that the said companies are of much benefit to the City of London, and they intend to extend and enlarge their factories therein; and 25 whereas the said corporation has by its petition prayed that an Act may be passed validating and confirming the said by-laws fixing the assessment of The McClary Manufacturing Company, and of The George White and Sons Company, Limited as aforesaid; and whereas The McClary Manu-30 facturing Company, and The George White and Sons Company, Limited, appear to carry on a large trade, and have numerous agencies and business connections outside the Province of Ontario; and whereas the nature and importance of the intended operations of the said companies are of special interest to the 35 agricultural community, not only in the County of Middlesex but elsewhere, and the said industries and enterprises are calculated to become of general public advantage; and whereas the ratepayers of the said City of London have, at the last municipal elections, by a very large majority, approved of the 40 said by-law so fixing the assessment of The McClary Manufacturing Company as aforesaid, and approved of the fixing of the

assessment of The George White and Sons Company, Limited, at

\$17,000 for the period of ten years, and the municipal council of the said corporation for the present year approves of the said by-laws, and the same were passed by the unanimous vote of the said council; and whereas it has been made to appear that the carrying out of the said propositions will impart a large increase in the value not only to other properties in the immediate vicinity of the said works but also to other properties in the said municipality, and greatly promote business activity and prosperity; and whereas the Municipal Corporation of the City of London, in order to enhance the value of the deben- 10 tures hereinafter referred to, has, by petition, prayed for special legislation confirming the by-laws specified in Schedule C and the debentures and assessments hereinafter referred to; and whereas no objections have been raised to any of the said bylaws specified in Schedule C, and the time for moving against 15 them has expired; and whereas it appears to be desirable, and greatly in the public interest, that the said by law should be validated and confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 20 as follows:—

By-Law assessment of McClary Co. confirmed

- 1. By law number 1,951 of the Corporation of the City of London, passed on the thirteenth day of January, A.D. 1902, intituled "by law relating to the assessment of The McClary Manufacturing Company", which by law is set out as Schedule 25 A hereto, is hereby confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.
- 2. By-law number 1,952 of the Corporation of the City of London, passed on the thirteenth day of January, A. D. 1902, intituled "by-law relating to the assessment of The George 30 White and Sons Company, Limited," which by-law is set out as Schedule B hereto, is hereby confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.
- 4. The by-laws of the Municipal Corporation of the City of 35 London, specified in Schedule C hereto, and all debentures issued, or to be issued thereunder, and all assessments made, or to be made, for payment thereof, are hereby confirmed and declared to be legal, valid and binding.

### SCHEDULE A.

#### By-Law No.

Relating to the assessment of the Mc Clary Manufacturing Company.

Whereas, by an Act of the Legislature of the Province of Ontario, passed in the 56th year of Her late Majesty's Reign, and intituled An Act respecting the City of London, power was given to the municipal

council of the corporation of the City of London, by by-law, to provide that the real and personal property of the Mc Clary Manufacturing Company, used and employed by the said company in the business which it was then carrying on, or might thereafter carry on, in the said City of London, should not be assessed at a greater sum than \$100,000 for the period of ten years from the first day of January, A.D. 1893.

And whereas, by By-law No. 816, passed on the seventeenth day of July, A.D. 1893, it was provided that, for the period of ten years from the first day of January, A.D. 1893, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it then carried on, or might thereafter carry on, in the said City of London, should not be assessed at a greater sum than \$100,000 in any of the said years.

And whereas the said company have requested that their assessment, as aforesaid, for ten years from the first day of January, A.D. 1903, be fixed at \$150,000.

And whereas it will be greatly in the interests of the said City of London, and of the public generally, that the said petition should be granted.

Be it therefore enacted by the municipal council of the corporation of the City of London, as follows:

1. That, for the period of ten years from the first day of January, A.D. 1903, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it now carries on or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$150,000 in any of the said years.

2. That this by-law shall not take effect unless and until it has been

confirmed by an Act of the Legislature of Ontario.

Passed in open council this 13th day of January, A.D. 1902.

(Sgd.) A. BECK, Mayor.

(Sgd.) C. A. KINGSTON, Clerk.

#### SCHEDULE B.

By-Law No 1952.

Relating to the assessment of The George White & Sons Company, Limited.

Whereas, by By-law Number 642, passed on the ninth day of May, A.D. 1892, the manufacturing establishment of George White & Sons, of which the said The George White & Sons Company, Limited, are the successors, was exempted from taxation in the City of London, in so far as each annual assessment of the same, during the period of ten years from the passing of the said by-law, exceeded the sum of \$11,000, but such exemption did not include taxation for street watering, city water rates, and rates imposed under the provisions of "The Municipal Act," relating to local improvements;

And whereas the said company have requested that the assessment of the real and personal property of the said company, used and employed by the said company in the business which it is now carrying on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$17,000, for ten years from the first day of January, A.D. 1903;

And whereas the ratepayers of the said City of London, at the last municipal elections, by a very large majority, voted in favor of fixing the assessment of the said company at the sum of \$17,000, for a period of ten years;

And whereas it will be greatly in the interests of the said City of London, and the public generally, that the said petition should be granted;

Be it therefore enacted by the municipal council of the corporation of the City of London as follows:

- 1. That for the period of ten years from the first day of January, A.D. 1903, the real and personal property of the George White & Sons Company, used and employed by the said company in the business which it now carries on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$17,000 m any of the said years.
- 2. That this by-law shall not take effect unless and until it be confirmed by an Act of the Legislature of Ontario.

Passed in open council this thirteenth day of January, A.D. 1902.

(Sgd.) C. A. Kingston, (Sgd.) A. Beck, Mayor.

# SCHEDULE C.

- List of by-laws providing for the issue of debentures, passed by the council of the corporation of the City of London on the 26th day of December, A.D. 1991, the particulars of which are set out below.
- 1. By-law No. 1,938, to provide for raising moneys to pay for the construction of cement sidewalks in the by-law referred to, and to levy the rates to meet the debentures to be issued therefor.
- 2. By-law No. 1939, to provide for raising moneys to pay for the construction of tile sewers, therein referred to, and to levy the rates to meet the debentures to be issued therefor.
- 3. By-law No. 1,940, to provide for raising moneys to pay for the construction of cement kerbs, therein referred to, and to levy the rates to meet the debentures to be issued therefor.
- 4. By-law No. 1,941, to consolidate the several issues of debentures referred to in the said By-laws Nos. 1,938, 1,939, and 1,940, and to provide for raising, by debentures, the city's share of the cost of the improvements in the said by-laws mentioned, which is to be raised by a special rate.



5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act respecting the City of London.

First Reading,

1902.

(Private Bill.)

Mr. Leys.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 15.]

An Act respecting the Sarnia Street Railway Company.

THEREAS the Sarnia Street Railway Company was in- Preamble. corporated by an Act of the Ontario Legislature passed in the 37th year of the reign of Her Majesty Queen Victoria, chapter 61, and were by the said Act authorized and em-5 powered to construct, maintain, complete and operate a double or single iron railway for the passage of cars, carriages or other vehicles adapted to the same upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia and the adjoining municipalities, subject to 10 an agreement thereafter to be made between the council of the said town and of the said adjoining municipalities; and whereas the corporation of the Village of Point Edward is an adjoining municipality within the meaning of the said Act; and whereas, under by-law number 544 of the corporation of 15 the Town of Sarnia, dated the eighth day of April, 1901, and a certain agreement made in pursuance thereof between the said company and the said corporation bearing date the 10th day of April, 1901, certain powers were conferred upon the said Company respecting the construction and operation of 20 their railway upon certain streets in the said town and by the said by-law it is provided that the said company are to be at liberty to apply for an Act confirming the same; and whereas, under by-law number 184 of the corporation of the Village of Point Edward, dated the 24th day of June, A. D. 25 1901, and a certain agreement made in pursuance thereof between the said company and the said corporation, bearing date the third day of July, 1901, certain powers were conferred upon the said company respecting the construction and operation of th ir railway upon certain streets in the 30 said village, and by the said by-law it is provided that the said company is to be at liberty to apply for an act confirming the same; and whereas by said petition the said company has prayed that the said by-laws and agreements may be confirmed; and whereas it is expedient to grant the prayer of the 35 said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement between the said company and the cor-Agreement with

Town confirmed. poration of the Town of Sarnia and by-law number 544 herein referred to which are set out in Schedule A to this Act are hereby declared to be valid and effective in all respects.

And it is further declared that under the said by-law and agreement the said company acquired and are entitled to the 5 exclusive right to construct, maintain and operate, subject to the c nditions, stipulations, regulations, obligations, provisions and agreements in he said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in the said by-law.

Agreement with Point Edward confirmed.

2. The agreement between the said company and the corporation of the Village of Point Edward and by-law number 184 therein referred to, which are set out in Schedule B to this Act, are hereby declared to be valid and effective in all respects, and it is hereby declared that under the said by-law 15 and agreement the said company acquired and are entitled to the exclusive right to construct, maintain and operate, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and por-20 tions of streets mentioned in the said by-law.

### SCHEDULE A.

ARTICLES OF AGREEMENT made the tenth day of April, A.D. 1901, between the Corporation of the Town of Sarnia, hereinafter called the "Corporation," of the first part, and the Sarnia Street Railway Company, Limited, hereinafter called the "Company," of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the 24th day of March, A.D. 1874, entitled An Act to Incorporate the Sarnia Street Railway Company, it is, amongst other things, provided that the council of the said corporation and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways, and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic;

And whereas the council of the corporation on the 8th day of April, 1901, passed a by-law numbered 544 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Town of Sarnia upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained which said by-law is hereto annexed;

And whereas these presents are intended to give effect to the said bylaw, and the same have been approved of by the town solicitor. Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say: That the company do hereby accept the said by-law, and that the company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained upon under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done, by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the mayor and town clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered in

the presence of :
(Sgd) J. T. Fuller,
As to signature by Wm. Logie

(Sgd) William Logie, Mayor.
J. D. Stewat, Clerk. [Seal.]

and J. D. Stewart.

(Sgd) Edward Wright,
As to signature of J. D. Beatty
and H. W. Mills.

J. D. Beatty, President.
H. W. Mills, Secretary. [Seal.]

# By-Law No. 544.

# Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 of 37 Victoria, entitled "An Act to incorporate the Sarnia Street Railway Company," by which the said company, hereinafter called "the company," is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks; sw tches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia (hereinafter called "the corporation") as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town and the said company in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the company may be authorized by the council of said town by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas the corporation and the company are by the said Act respectively authorized to make and enter into any agreements or covenants relating to, amongst other things, the construction of the said railway and the location thereof, and the particular streets along which the same shall be laid.

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned and for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the council of the corporation by by-laws passed respectively on the 26th day of November, 1874, and the 27th day of April, 1892, conferred certain rights and privileges upon the company, subject to the conditions contained in such by-laws.

And whereas the company and the corporation desire that the company shall construct a surface electric street railway on the trolley system (in place of their present railway) on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that the said by-laws shall be consolidated and amended so that the same shall read as this by-law reads and that all portions of the said several by-laws inconsistent herewith shall be repealed.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Sarnia as follows:—

- 1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January, 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track with the necessary side tracks, turnouts or switches for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of the said Town of Sarnia mentioned in section two of this by-law, and upon and along such other streets of the said Town of Sarnia as the company may with the consent of the corporation, expressed by by-law, hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council for the protection of the citizens of said corporation.
- 2. The streets and parts of streets referred to in this by-law and to which the permission and authority hereby granted shall extend, subject to the conditions and provisions in this by-law contained are:—
- (a) From the tunnel station yard to Russell street, Russell street from the tunnel station yard to the Plank Road, the Plank Road from Russell street to Wellington street, Wellington street from the Plank Road to Front street Front street from Wellington street to a point on Front street 10 rods north of Russell's lane.

George street from Front street to Christina street, Christina street from George street to Exmouth street, Exmouth street from Christina street to Bay View Park.

- (b) Lochiel street from Front street to Christina street, Christina street from Lochiel street to George street, Green Street from Russell street to Palmerston street, Palmerston street from Green street to Campbell street, Campbell street from Palmerston street to Russell street.
- (c) Christina street from Wellington street to Devine street, Devine street from Christina street to Brock or John street, Brock or John street from Devine street to Confederation street, Confederation street from Brock street to Russell street.
- 3. The construction of the said surface street railway on the streets mentioned in section "A" of clause 2 hereof shall be continued from the date of the final passing hereof and shall be completed and the cars running efficiently thereon by the 1st day of August, 1901.

The construction of the said surface street railway on the streets mentioned in section "B" of clause 2 hereof may, at the option of the company, be commenced and completed without unnecessary delay at any time during the three years next succeeding the first day of January, 1091, and in the event of such street railway not being constructed and in operation on the said portions of said streets set out in section "B" of clause 2 hereof within said last mentioned time, then the rights granted

the said company under this by-law shall absolutely cease, determine and be forfeited and void in so far as they extend to any portions of said last mentioned streets upon which the company have not then constructed and are operating its railway.

The construction of the line of surface street railway mentioned in section "C" of clause 2 hereof shall be completed within two years from the first day of January last and should the last mentioned line not be completed within said last mentioned time, the said company shall pay to the corporation annually thereafter on the first day of January in each year, the first payment to be made on the first day of January, 1904, the sum of one hundred and fifty dollars as and for part consideration for the franchises hereby granted and as and for liquidated damages the franchises hereby granted to the company being granted partly in consideration of the building and operating an electric railway on parts of streets mentioned in section "C" of clause 2 hereof, until the said line shall be completed; but upon the completion of the said line the said payments shall cease and in the event of said street railway not being constructed and in operation on said last mentioned line within two years from the first day of January last, then the said corporation shall have the right at any time to declare the rights and franchises hereby granted in respect to streets mentioned in section "C" forfeited, whereupon the same shall immediately cease and be determined and void and the said corporation shall have the like right to grant franchises to other companies or individuals on the streets mentioned in section "C" of clause 2 of this By-law, that it has in respect to other streets in the town not specified herein, but should another railway be constructed thereon, then said annual payment shall cease and be determined.

- 4. The tracks of the said company and all work necessary for constructing and laying the same shall be built and made in a substantial manner and the streets in which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up, opened or interfered with by the company, such work to be done to the satisfaction of the board of of works.
- 5. The said railway shall be of the guage of four feet eight and one-half inches, and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same.
- 6. The said railway shall, unless otherwise directed, by by-law of the council of the corporation passed before the construction of said railway and except where the tracks of the company as at present laid are not in the centre of the streets, be laid in the centre of the street and where turnouts shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street and the location of the road where now laid shall remain as it is.
- 7. The tracks shall conform to the grades of the several streets upon and along which the same shall be laid, as the same now are and shall hereafter be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom and for the purposes of this by-law the corporation shall on request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are required to conform.
- 8. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's, turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's, and turnouts and between the tracks and the switches, and between the tracks and the turnouts and eighteen inches outside of the outer rails of such Y's, turnouts, switches and side

tracks, and where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of

each rail.

- The track allowance shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said track allowance plank or other similarly substantial and suitable crossings for teams, such crossings to be of the width required by the board of works, and until the said corporation has a population of twenty thousand (20,000) people as estimated by the record taken by the town assessor, the said company shall pay all extra costs of paving, repaving, macadamizing re-macadamizing, gravelling or regravelling and maintenance of said track allowances occasioned by the construction, operation or existence of said street railway track or works, such extra costs to be determined in case of dispute by the town engineer without appeal from his decision, such decision to be absolutely final, and after the said corporation shall have a population of 20,000 people then in addition to paying the extra cost of paving, macadamizing or gravelling the said track allowances, such track allowances shall be repaved, remacadamized and wholly maintained and kept in repair to the satisfaction of the board of works for the time being, by and at the expense of the company, the company furnishing the materials for so doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the street. And in default of the company so doing then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, repaving, remacadamizing, regravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.
- 10. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall upon the company ceasing to use the horse cars put the said track allowances in perfect state of repair, so that they shall then be in a perfect condition, and in all respects filled up solidly, even and flush with the top of the rail, and this provision applies to the portion of the said company's tracks now electrified, which notwithstanding any provision of this by-law shall be so repaired and put in perfect condition by the company.
- 11. Whenever the company break up, open or interfere with any street the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fully settled, and with all practical speed and not more than one block shall be opened up at one time in one continuous line.
- 12. The company shall in restoring the streets where the same have been broken up by the company use similar materials to that of which the roadway on the street is constructed.
- 13. While the rails are being laid or any of the works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street from which the same shall be taken.
- 14. And it is hereby expressly declared that the corporation of the Town of Sarnia shall not be held liable to the said Street Railway Company for damage the said company may incur or sustain for the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water and gas pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.
- 15. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks, except for railway purposes, with horse carriages, or other vehicles, loaded or not, when and so often a

they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

- all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of any impeachment of this by-law, or by the exercise by the company or their powers or any of them or by reason of neglect of the company in execution of their works on any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of their neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted or by reason of any negligence of the said company or by reason of any act, default or omission of the company or otherwise howsoever occasioned by the existence of the railway or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice by the company to the corporation to repair the particular defect; and should the corporation pay or be put to any such. loss, damages, costs, charges or expenses the company shall forthwith upon demand repay the same to the corporation.
- 17. The company shall by the use of guard wires or other sufficient means protect all the town fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway.
- 18. All rights that are now or that may hereafter be vested in the said town council in respect to the care and improvement of the streets, the construction of sewers, culverts, or drains and the laying of water or gas pipes therein, are in no way to be affected or impaired by any privilege that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up, alter, repair, or remove sewers, water and gas pipes and to lay down, or to permit to be laid down, in the Town of Sarnia, gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs; and where it shall be necessary that the track of the company should be removed in order that the said works or any of them should be conveniently done, then such track shall be removed and replaced by the company and at its own expense.
- 19. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks.
- 20. The company shall place and continue on said railway good modern cars sufficient for the accommodation of the public on all lines.
- 21 The privileges granted by this by-law shall extend until the first day of January, 1931, but the corporation may, after giving at least one year's notice in writing prior to the expiration of thirty years from the first day of January last of their intentions so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of the Municipal Act respecting arbitrations and references or any Act substituted therefor, or for the time being, dealing with the said matters.

- 22. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof real and personal necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made, or if not, on paying into court or to the company, such sum of money as a Judge of the High court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations, and conditions as the said judge shall, by his order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.
- 23. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of January last or any fifth year thereafter.
- 24. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway. the corporation may at the expiration of any fifth year thereafter and so at the expiration of periods of five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice in writing to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law, provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first of January, 1931.
- 25. The company in changing their system and performing the other work provided for by this by-law and in maintaining and operating their railway will, so far as is practicable so to do, employ residents of the Town of Sarnia.
- 26. Cars running in the same direction, or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them together or at stations and turnouts.
- 27. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons; and the said corporation shall have the right by by-law to fix the service necessary on the company's various lines, and to fix the maximum rate of speed that the motors and cars of the railway, or either of them, shall run at on any portion of the railway within the corporation, but so that the said rate of speed so fixed shall not be less than six miles per hour; but so that the services required shall not be oftener than a car each way every twenty minutes until the population of the corporation, estimated by the record taken by the town assessor, shall reach 12,000 inhabitants; but provided that in places where loop lines exist a car passing over one track on the loop line and returning on the other, or vice versà, shall constitute the running of a car each way.
- 28. It is hereby reserved to the municipal council of said corporation to make any further rules, regulations, orders and by-laws in relation to the construction, repair and operation of the said railroad as from time to time may be deemed necessary to protect the interests of the said town

and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by-laws shall be made which shall have the effect to impair the substantial rights of the company.

- 29. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway, the same shall be done by the company in such manner and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along said streets or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow except upon switches and turnouts.
- 30. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey the passengers over the company's road from day to day until the cars can be used on the track, and to charge fare for the carriage of passengers on such sleighs.
- 31. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road in the same continuous route within the town, between 6 a.m. and 11 p.m., a sum not exceeding five cents, and between 11 p.m. and 6 a.m. a sum not exceeding ten cents, except in both cases children under five accompanied by parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 o'clock p.m., twenty-eight tickets for one dollar, said last mentioned tickets to be not transferable; and provided also that railway employees shall be carried at a five cent rate between 11 p.m. and 6 a.m., and tickets therefor furnished by the company, which tickets shall not be transferable.

- 32. The said company may also charge a reasonable compensation for carrying packages and freight.
- 33. The conductors or drivers shall not allow ladies or children to leave the car while in motion.
- 34. The cars after sunset shall be provided with colored signal lights with different colors to indicate the different routes travelled, and each motor car shall have a gong attached to it which shall be rung when necessary to give warning.
- 35. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the motor man or conductor of any car, or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the mayor of the corporation, or before any other magistrate having jurisdiction; provided that if any person, persons or corporation shall have any cause to remove any building or other large substance they shall be allowed reasonable and sufficient time to remove the same without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the board of works for the said corporation, and shall have given the company twenty-four hours notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at or be put to by reason of the breakage, cutting or moving or raising of their wires, or otherwise. This shall not apply to any person meeting with an accident on the track.
- 36. The said company shall keep tickets for sale at the rates herein provided at some place in the business portion of the corporation convenient for the people.
- 37. The company shall from time to time adopt and use fenders and other reasonable safeguards, subject to the approval of the corporation,

against accidents and injury in the work and running of their railway.

- 38. The location of the line of the said railway on the said streets, and the position of the rails, switches and turnouts and other works thereon, shall be shown upon plans with figured dimensions showing the distance of all the company's works from the sidelines of the streets, and such plans shall be filed with the clerk of the corporation.
- 39. Should the company hereafter deem it advisable they may with the consent of the corporation expressed by by-law substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall be in no wise less efficient than under the electric motive power on the trolley system.
- 40. No new line or extension or additional track shall be built by the company on any of the streets of the Town of Sarnia not herein specifically mentioned, except under authority first obtained by by-law of the council of the corporation.
- 41. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, or near the fire engines, hose or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.
- 42. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns, storage sheds, yards or repair shops, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the board of works.
- 43. The company are exclusively authorized to construct, maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power, or with such other modern motive power not less efficient than electricity on the trolley system, which is approved of by the said corporation as aforesaid, as the said compony may see fit to adopt on the streets and portions of streets mentioned in section two hereof.
- 44. In the event of any person, persons, firm or corporation proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this By-Law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose then the corporation may grant the privilege to any other person. persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets, provided always that nothing herein contained shall be taken to bind the corporation to grant to the company or any one else the right to construct a railway or railways upon any streets other than those herein specifically named. The said notice to the company of such proposal shall contain a notification of the time fixed by the corporation for the completion of the proposed work if said option should be accepted by the company, and should the company not accept said option as herein provided and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods

as the corporation from time to time fixed, such extensions of time, however, not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges grantel to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in the said notice for the completion thereof, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.

45. Should the company at any time cease to regularly use for the purposes of their railway for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the corporation may give written notice to the company directing the company to remove the said poles and overhead appliances and construction and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand.

46(a). The company shall if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the town limits to the centre of the town or such other place or places within the town as the said suburban or radial or other electric railway companies or company may have their station or stations and if and when desired, back again to the said town limits, to the same point at or any other point on the line of the company's railway and, when the company's tracks and trolley wires do n t extend to the town limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if having agreed within the same time to make the said extensions, the company shall not procee I with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said suburban or radial or other electric railway companies or company shall have the right, if permitted, to do so by the by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies lines and the tracks of the company and subject to the provisions and conditions of any such by-law. The company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular town fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the town limits and all such passengers shall be entitled to transfers to any part of the town from the said suburban or radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one fare to the company. The intent of this provision being that every passenger shall be entitled to be carried from any point within the town limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 31 hereof. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 21, 22 and 23, but in determining the said price to be paid the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road. Provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

- (b) In case the company refuse or neglect to carry out any of the provisions of subsection A of this section to the satisfaction of the corporation or the said suburban or radial or other electric railway company or companies, the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 21, 22, and 23 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.
- (c) This section shall apply to all suburban or radial railways, whether operated by electricity or other motive power.
- 47. Whenever the words "town engineer," "town engineer for the time being," or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the Town of Sarnia for the time being or other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions of any of them by this by-law devolving or conferred upon the said engineer.
- 48. In all arbitrations under this by-law, in case of difference between the arbitrators, a majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.
- 49. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter, or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by-law or by the use or possession of said streets, and in which case the corporation reserves the right to assume the railway by paying its value to be settled by arbitrators as in sections 21, 22 and 23 of this by-law is provided or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense thereof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.
- 50. The assessment of the company upon their tracks, track allowances, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature or kind soever for the term of twenty years from the first day of January, 1901, is hereby fixed at one dollar per head estimated by the yearly records made and taken by the town assessor as aforesaid, after which time the same is to be subject to assessment as if this by-law had not been passed.
- 51. Sections 43 and 50 and all other proportions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact,

shall not operate or come into force until the same is sanctioned, ratified and confirmed by the I egislature of the Province of Ontario.

- 52. The company shall at all times furnish a good and sufficient service to meet the public requirments, said service to be regulated by the corporation, and shall on Sundays make one trip for each regular passenger train that arrives at or departs from the railway stations at or near which their road passes or terminates, and two trips from Point Edward to the tunnel in the morning and two trips from the tunnel to Point Edward in the evening to convey railway employees to and from their homes; but nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays except as aforesaid, and no other service shall be given on Sundays.
- 53. The corporation shall have the right to use the poles of the company for the wires or other appliances of the fire alarm system of the corporation.
- 54. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provision of this by-law; but the corporation shall not be required or compelled to incur any expense in connection therewith.
- 55. The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law and the agreement to be entered into be-tween the corporation and the company pursuant thereto should it be deemed advisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any).

56 The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses subject to the conditions and regulations contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of August next; but such repeal stall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to submit. But this clause shall not affect the present rights of the company on Front street north of the street car barns until the company obtains a crossing over the Grand Trunk track on or near Exmouth

57. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corpocation unless and until formally accepted by the company within fifteen days after passing thereof by an agreement which shall legally blind the company to comply with, observe, and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the town solicitor, and such agreement when so approved shall also be executed under the

seal of the corporation by the mayor and town clerk.

58. This by-law shall be known as by-law 544 of the town of Sarnia.

Finally passed this 8th day of April 1901.

(Sgd) WILLIAM LOGIE, Mayor. (Sgd) J. D. STEWART, Clerk

## SCHEDULE B.

Articles of Agreement made this third day of July, A.D. 1901, between, the corporation of the Village of Point Edward, (hereinafter called the corporation) of the first part, and The Sarnia Street Railway

Company, Limited, (hereinafter called the company) of the second part. Whereas by an Act of the Legislature of the Province of Ontario passed on the twenty fourth day of March, A.D. 1874, entitled "An Act to incorporate The Sarnia Street Railway Company" it is amongst other things provided that the council of the said corporation (as well as the councils of other corporations adjoining to the Town of Sarnia) and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the said corporation on the 24th day of June, A.D. 1901, passed a by-law numbered 184 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Village of Point Edward upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy

of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to said by-law and the same have been approved of by the village solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say.—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company; subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and thing in the said by-law contained.

In witness whereof the corporation have caused to be affixed the corporate seal and the reeve and village clerk have set their hands and the company have caused to be affixed their corporate seal and their president and secretary have set their hands the day and year first above written.

Signed sealed and delivered In the presence of.

[Sgd.] R. I. Towers, as to signature of reeve and clerk and seal of the Corporation of Point Edward.

[Seal]

[ Seal ]

(Sgd.)

W. O. Parsons,
Reeve, Village of Point Edward.
J. F. O'NEIL
Clerk, Village of Point Edward.
JNO. D. BEATTY,
President, Sarnia Street Railway
Company

Company.
H. W. Mills,
Secretary, Sarnia Street Railway
Company.

## By-LAW No. 184.

### Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 37 Victoria, entitled "An Act to Incorporate the Sarnia Street Railway Company," by which the said company (hereinafter called the "Company") is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said company, in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power as the company may be authorized by the council of the said town and municipalities respectively, by by-law to use and conveniences connected therewith.

And whereas, the corporation of the village of Point Edward (hereinafter called the "corporation) is a neighboring municipality to the Town of Sarnia aforesaid within the meaning of the said Act.

And whereas the corporation or their predecessors by by-laws conferred certain rights and privileges upon the company subject to the conditions contained in such by-laws.

And whereas the company desire to construct a surface electric street railway on the trolley system in place of their present railway on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that upon the completion of the construction of the work hereby authorized to be done the said by-laws heretofore passed shall, without further act on the part of the said corporation or the said company, be consolidated and amended so that the same shall read as this by-law reads, and all portions of the said several by-laws inconsistent herewith shall thereafter be repealed.

Be it therefore enacted by the municipal council of the corporation of the Village of Point Edward as follows:—

1. (a) The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January. 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track, with the necessary side tracks, turnouts or switches for the passage of cars, carriages or other vehicles adapted to the same, upon and along the following roads and streets in the said Village of Point Edward, namely : Exmouth street, from the north end of Christina street to the road to the east of Bay View Park; the road around the east side of Bay View Park, from Exmouth street to St. Clair street; St. Clair street, throughout Edward street, from the end of St. Clair street to Michigan avenue; Michigan avenue, from Edward street to Livingstone street; and upon and along such other streets of the said Village of Point Edward as the company, with the consent of the corporation expressed by a by-law, may hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such roads and streets for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council for the protection of the citizens of the said corporation.

- (b). The said company shall have, subject to the conditions and agreements hereinbefore mentioned, the further right to construct, complete, maintain and operate during said term its railway to the Lake shore over such portions of Michigan avenue east of Edward street and any of the streets or parts of the streets north of Michigan avenue which the said company may select and construct and operate their railway upon within wo years from the first day of August next.
- 2. The construction of the said surface street railway on the roads and streets hereinbefore mentioned shall be commenced on or before the first day of August A.D. 1901 and shall be completed and the cars running efficiently thereon by the first day of November A.D. 1901.
- 3. The tracks of the said company and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and the roads and streets on which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up or interfered with by the company, such work to be done to the satisfaction of the council of the said village.
- 4. The said railway shall be of the guage of four feet eight and a half inches and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passages of vehicles and carriages over the same.
- 5. The said railway shall, unless otherwise directed by by-law of the council of the corporation passed before the construction of the said railway, be laid in the centre of the street, and where turnouts shall be used so that the inside rail of each track shall be within two feet of the centre line of the street, except that part from Exmouth street to St. Clair street proper, which part shall be constructed where the street car road now is, the corporation to have the right to drain under the tracks wherever they think proper for the purpose of removing all surplus water between those points.
- 6. The tracks shall conform with the grades of the several streets upon and along which the same shall be laid as the same now are, or hereafter may be established prior to the construction of the road and shall not in any way alser or change the same or vary therefrom, and for the purposes of this by-law the corporation shall upon request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are required to conform.
- 7. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's and turnouts and between the tracks of the Y's and between the tracks and the switches and between the tracks an I the turnouts and eighteen inches outside of the outer rails of such Y's, turnouts, switches and side tracks and where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.
- 8. The track allowances shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said allowance plank or other similar substantial and suitable crossings for teams, such crossings to be of the width required by the council and shall pay all extra costs of paving, repaving, macadamizing, remacadamizing, gravelling or regravelling and maintenance of said track allowance occasioned by the construction, operation or existence of said

street railway track or works, such extra costs to be determined in case of dispute by the village engineer without appeal from his decision, such decision to be absolutely final, such village engineer to be such engineer as the village may appoint for the purpose.

- 9. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall, upon the company ceasing to use the said horse cars, put the said track allowances in perfect state of repair so that they shall be in a perfect condition and in all respects filled up solidly even and flush with the top of the rail.
- 10. Whenever the company break up, open or interfere with any road or stre t, the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fully settled and in restoring the streets where the same have been broken up by the company, the company shall use similar material to that of which the roadway on the street is constructed.
- 11. While the rails are being laid or any works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles and all surplus street material shall be either removed or spread over the street from which the same shall be taken.
- 12. It is hereby expressly declared that the corporation of the village of Point Edward shall not be held liable to the street rails ay company for damages the said company may sustain or incur for the breakage of any sewer or water pipes or other pipes or for any delay that may be caused by construction of sewers and the laying of water and gas pipes or other pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.
- 13. It shall be lawful for all and every person or persons whatsoever, to travel upon and use the said tracks, except for railway purposes, with horses, carriages or other vehicles loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.
- 14. The company shall indemnify and save harmless the corporation at all times from all loss damages, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of an impeachment of this by-law, or by the exercise by the company of their powers or any of them, or by reason of neglect of the company in execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any negligence of the said company, or by reason of any act, default or omission of the company or otherwise howsoever, occasioned by the existence of the railway, or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice by the company to the corporation to repair the particular defect: and should the corporation pay or be put to any such loss, damages costs, charges or expenses the company shall forthwith, upon demand repay the same to the corporation.
- 15. The company shall by the use of guard wires or other sufficient means, protect all the village fire alarm wires and all telegraph. electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of the railway.
- 16. All rights that are now, or that may hereafter be vested in the said village in respect to the care and improvement of the streets, the construction of sewers culverts or drains, and the laying of water or gas

pipes therein, are in no way to be affected or impaired by any privileges that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up alter, repair or remove sewers, water and gas pipes, and to lay down or permit to be laid down in the Village of Point Edward gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatsoever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs, and where it shall be necessary that the track of the company should be removed in order that the said works, or any of them, should be conveniently done, then such track shall be removed and replaced by the company at its own expense: but no sewer, water or other pipe shall be placed or constructed lengthwise under the road of the company, but such sewer, water or other pipe may be laid or constructed across under said road of the company, either directly or obliquetly.

- 17. The said company shall be hable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks and the company shall place and continue on said railway good modern cars sufficient for the accommodation of the public on all lines.
- 18. The privileges granted by this by-law shall extend u til the first day of January, 1931, but the corporation may, after giving at least one years' notice in writing prior to the expiration of thirty years from the first day of January, last of their intention so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof to be determined by arbitration and any arbitration under this section shall be subject to the provisions of the Municipal Act respecting arbitrations and references or any act substituted therefore, or for the time being, dealing with the said matters.
- 19. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last; but if from any cause the award shall not be made by such time, or if either party be diss tisfied with the award the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made or if not, on paying into court or to the company, such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.
- 20. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of January last or any fifth year thereafter.
- 21. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration or periods of five years reckoned from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice in writing to

the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply, mutatis mutandis, in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first day of January, 1931.

- 22. Cars running in the same direction or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them together, or at stations and turnouts.
- 23. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or other unavoidable reasons and the said corporation shall have the right to fix the maximum rate of speed that the motors and cars of the railway or either of them shall run at on any portions of the railway within the corporation, but so that the rate of speed so fixed shall not be less than six miles per hour, and the said company shall give a service of at least one car each way every thirty minutes from 6.30 a.m. until 8 p.m., and an hourly service from 8 p.m. until 10 p.m., and on Saturday nights until 11 p.m.
- 24. It is hereby reserved to the municipal council of the said corporation to make any further rules, regulations, orders and by lans in relation to the construction, repair and operation of the said railroad as may be deemed necessary to protect the interests of the said village, and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by laws shall be made which shall have the effect to impair the substantial rights of the company, or to require a more frequent service than hereinbefore specified.
- 25. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway the same shall be done by the company in such manner and so evenly spread on the streets as not to obstruct the free passage of sleighs or other vehicles along said streets, or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow, except upon switches and turnouts.
- 26. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey passengers over the company's road from day to day until the cars can be used on the track, and to charge for the carriage of passengers on such sleighs.
- 27. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road, in the same continuous route within the Village of Point Edward and the Town of Sarnia between 6 a.m. and 11 p.m. a sum not exceeding five cents, and between 11 o'clock p.m. and 6 o'clock a.m. a sum not exceeding ten cents, except children under five accompanied by their parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company also shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 p.m., 28 tickets for \$1.00, said last mentioned tickets to be not transferable; and provided also that monthly tickets entitling the holder to one trip each way on each day of the month for which the said ticket is issued between the hours of 6 a.m. and 8 a.m., and between 5 p.m. and 7 p.m., shall be sold to working people residing or boarding at Point Edward and working in the Town of Sarnia at the rate of \$1.50 for each said monthly ticket, said tickets to be not transferable, and to be good only between and to include the first and the last days of the calendar month for which the same is issued.

And provided also that monthly tickets entitling the holder to one trip each way on each school day between the hours of 8 a.m. and 9 a.m. and between 3 p.m. and 5 p.m. shall be sold to all children living in Point Edward and attending school in Sarnia, applying therefor at seventy-five cents per month, said tickets to be not transferable and to be good only between and to include the first and last days of the calendar month for which the same is issued.

28. The said company may also charge a reasonable compensation for carrying packages and freight.

29. The conductors and drivers shall not allow ladies or children to leave the car while in motion.

30. The cars after sunset shall be provided with colored signal lights with different colors to indicate different routes travelled, and each motor shall have a gong attached to it which shall be rung when necessary to give warning.

31. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the motorman or conductor of any car or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the Reeve of the corporation or before any other magistrate having jurisdiction; provided that if any person, persons, or corporations shall have any cause to remove any building or other large substance they shall be allowed reassonable and sufficient time to remove the same, without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the council for the said corporation and shall have given the company twenty-four hours' notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at, or be put to by reason of the breakage, cutting or moving or raising of their wires or otherwise, The shall not apply to any person meeting with an accident on the track.

32 The company shall from time to time adopt and use fenders and other reasonable safeguards (subject to the approval of the corporation) against accidents and injury in the work and running of their railway, but the said corporation shall approve of any fender that may be approved of by the municipal council of the Town of Sarnia.

33. The location of the line of the said railway on the streets and the position of the rails, switches, and turnouts and other works thereon shall be shown upon plans with figured dimensions showing the distance of all the company's works from the side lines of the streets and such plans shall be filed with the clerk of the corporation.

34. Should the company hereafter deem it advisable they may, with the consent of the corporation expressed by by-law, substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall in no wise be less efficient then under the electric motive power on the trolley system.

35. No new line or extension of additional track shall be built by the company on any of the streets of the village of Point Edward not herein specifically mentioned except under the authority first obtained by by-

law of the council of the corporation.

36. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire or near the fire engines, hose, or other appliances in the use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.

37. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns,

storage sheds, yards of repair ships, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the council of the corporation.

38. The company are exclusively authorized to construct maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power or with such other modern motive power not less efficient the electricity on the trolly system, which is approved of by the said corporation as aforesaid, as the company may see fit, to adopt on the streets and portions of streets mentioned in subsection (a) of section one hereof, and on such parts of Michigan Avenue to the east of Edward street and any of the streets north of Michigan Avenue which the said company may select and construct and operate their railway upon within two years from the first day of August next; and subject to the right of other street railways crossing the same, at such places as the council of the said corporation may select.

39. In the event of any person, persons, firm of corporations proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be not fied to the company and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose then the corporation may grant the privelege to any other person, persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the corporation to grant to the company, or any one else, the right to construct a railway or railways upon any streets or parts of streets or than those streets or parts of streets over which a franchise is hereby granted. The said notice to the company of such proposal shallconta in a notification of the time fixed by the corporation for the completion of the proposed work and if said option should be accepted by the company, and should the company not accept said option as herein provided, and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods as the corporation from time to time fix, such extensions of time however not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges granted to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in said notice for the completion thereof or extensions thereof as aforesaid, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.

40. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by-law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the village limits to the centre or business part of the village, or such other place or places within the village as the said suburban or radial or other electric railway companies or company may have their station or stations, and, if and when

desired, back again to the said village limits, to the same point at, or any other point on the line of the company's railway, and when the company's tracks and trolley wires do not extend to the village limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if, having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said suburban or radial or other electric railway companies or company shall have the right, if permitted to do so by by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies' lines and the tracks of the company or to the river or lake front at the option of the corporation and, subject to the provisions and conditions of any such By law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the village limits, and all such passengers shall be entitled to transfers to any part of the village from the said suburban or radial or other electric railway company's cars to and upon the company's cars, or vice versa upon payment of one village fare to the company—the intent of this provision being that every passenger shall be entitled to be carried from any point within the village limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 27 hereof. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 18, 19 and 20, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road; provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the care may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

(b) In case the company refuse or neglect to carry out any of the provisions of sub section (a) of this section to the satisfaction of the corporation of the said suburban or radial or other electric railway company or companies the matter in dispute and the damage (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 18, 19 and 20 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

41. Wherever the words 'village engineer", "village engineer for the time being" or "said engin er" are used in this by-law they shall mean the engineer of the corporation of the Village of Point Edward for the time being, or other officer or person as the coporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions of any of them by this by-law devolving or conferred upon the said engineer.

42. Should the company at any time cease to regularly use for the pur-

poses of their railway for a period of nine months the rails, poles and wires and overhead appliances and construction which shall be placed by the company on that portion of the railway proposed to be constructed to the lake shore over such parts of Michigan avenue to the east of Edward street and any of the streets north of Michigan avenue, which the said company may select and construct and operate their railway upon within two years from the first day of August next, the corporation may give written notice to the company directing the company to remove the said rails, poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such rails, poles, wires and overhead appliances and construction and put such streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand and the frauchises hereby granted over such portions of streets aforesaid shall be forfeited.

- 43. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on the entire length of said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by law or by the use or possession of said streets and in which case the corporation reserves the right to assume the railway by paying its value, to be settled by arbitrators as in sections 18, 19 and 20 of this by-law is provided, or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense the reof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.
- 44. The said company shall be exempt from assessment and taxes upon their track all wance, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature and kind soever within the said village for the term of twenty years from the first day of January, 1901, after which time, that is after the first day of January, 1921, the property of the company is to be subject to assessment as if this by-law had not been passed.
- 45. Sections thirty-eight and forty-four, and all other provisions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact shall not operate or come into force until the same is sauctioned, ratified and confirmed by the Legislature of the Province of Ontario.
  - 46. The said company may operate their cars on Sunday.
- 47. Save as hereinbefore provided the corporation shall during thirty years from the first day of January 1901, maintain and keep the said track allowances in repair, but should the said corporation hereafter become annexed to the corporation of the Town of Sarnia then upon the said Town of Sarnia having a population of 20,000 people (including the population of the annexed Village of Point Edward) estimated by the town assessor, or should the said corporation not be so annexed, then from and after the first day of January, 1931, in addition to the said company paying the extra costs of paving, macadamizing or gravelling the said track allowances hereinbefore provided, the said track allowances shall be paved, repaved, macadamized, re-macadamized or gravelled to conform with the adjoining portions of the streets and wholly maintained and kept in repair all to the satisfaction of the board of works for the time being by and at the expense of the company, the company furnishing the materials for so

doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the streets and in default of the company so doing, then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, re-paving, macadamizing, re-macadamizing, gravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.

48. In the event of the corporation of the Village of Point Edward becoming annexed to the corporation of the Town of Sarnia and a reference to arbitration under any provision of this by-law being had, which would affect the property or rights of the company within the present limits of the Town of Sarnia, and the Village of Point Edward then the reference by way of arbitration shall be subject to and conducted as one arbitration under the provisions of the then existing provision or provisions in the then existing street railway by-law or by-laws of the said Town of Sarnia.

49. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense in

connection therewith.

50. The corporation shall join with the company in applying to the legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law, and the agreement to be entered into between the corpora ion and the company, pursuant thereto, should it be deemed advisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any.)

51. The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed, such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses, subject to the conditions and regulations contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of November next, but such repeal shall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to subsist.

52. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corporation unless and until formally accepted by the company within fifteen days after the passing thereof by an agreement which shall legally bind the company to comply with, observe and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the village solicitor, and such agreement when so approved shall also be executed under the seal of the corporation by the reeve and the village clerk.

53. This by law shall be known as By-law No. 184 of the village of Point Edward.

Finally passed this 24th day of June, A.D., 1901.

(Sgd.) J. F. O'Neil, (Sgd.) W. O. Parsons,
Clerk. Reeve.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Sarnia Street Railway Company.

First Reading,

, 1902.

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Sarnia Street Railway Company.

HEREAS the Sarnia Street Railway Company was in. corporated by an Act of the Ontario Legislature passed Preamble. in the 37th year of the reign of Her late Majesty Queen Victoria, chaptered 61, and was by the said Act authorized and empowered to construct, maintain, complete and operate a double or single iron railway for the passage of cars, carriages or other vehicles adapted to the same, upon and along the streets and highways within the jurisdiction of the Corporation of the Town of Sarnia and the adjoining municipalities, subject to an agreement thereafter to be made between the council of the said town and of the said adjoining municipalities; and whereas the Corporation of the Village of Point Edward is an adjoining municipality within the meaning of the said Act; and whereas, under by-law number 544 of the Corporation of the Town of Sarnia, dated the eighth day of April, 1901, and a certain agreement made in pursuance thereof between the said company and the said Corporation of the Town of Surnia bearing date the 10th day of April, 1901, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain streets in the said town, and by the said by-law it was provided that the said company was to be at liberty to apply for an Act confirming the same: and whereas, under by-law number 184 of the corporation of the Village of Point Edward, dated the 24th day of June, A. D. 1901, and a certain agreement made in pursuance thereof between the said company and the said Corporation of the Village of Point Edward, bearing date the third day of July, 1901, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain streets in the said village, and by the said by-law it was provided that the said company was to be at liberty to apply for an act confirming the same; and whereas by their petition the said company has prayed that the said by-laws and agreements may be confirmed; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. The agreement between the said company and the Cor-Agreement with

Town confirmed. poration of the Town of Sarnia and by-law number 544 therein referred to which are set out in Schedule A to this Act are hereby declared to be valid and effective in all respects; and it is further declared that under the said by-law and agreement the said company acquired and are entitled to the exclusive right to construct, maintain and operate, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in the said by-law.

Agreement with Point Edward confirmed.

- 2. The agreement between the said company and the corporation of the Village of Point Edward and by-law number 184 therein referred to, which are set out in Schedule B to this Act, are hereby declared to be valid and effective in all respects, and it is hereby declared that under the said by-law and agreement the said company acquired and are entitled to the exclusive right to construct, maintain and operate, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in the said by-law.
- 23. Provided, however, and it is hereby declared that no further or greater power shall be deemed to be conferred by clause 46 of by-law No. 184 in the said Schedule B, than is conferred by clause 52 of the by-law numbered 544 in the said Schedule A; but, provided further, that nothing in this Act contained shall be deemed either to confer upon the said company the right to run or operate their cars on Sundays, or to deprive the said company of the right (if any) which by law the said company may now possess to run or operate their cars on Sundays.

### SCHEDULE A.

ARTICLES OF AGREEMENT made the tenth day of April, A.D. 1901, between the Corporation of the Town of Sarnia, hereinafter called the "Corporation," of the first part, and the Sarnia Street Railway Company, Limited, hereinafter called the "Company," of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the 24th day of March, A.D. 1874, entitled An Act to Incorporate the Sarnia Street Railway Company, it is, amongst other things, provided that the council of the said corporation and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways, and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic;

And whereas the council of the corporation on the 8th day of April, 1901, passed a by-law numbered 544 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Town of Sarnia upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained which said by-law is hereto annexed;

And whereas these presents are intended to give effect to the said by-

law, and the same have been approved of by the town solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say: That the company do hereby accept the said by-law, and that the company, their company do hereby accept the said by-law, and that the company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained upon under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done, by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company, and the correction do hereby ratify and confirm the said by law pany, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the mayor and town clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above

Signed, sealed and delivered in

the presence of:

(Sgd J. T. FULLER, (Sgd) WILLIAM LOGIE, Mayor. As to signature by Wm. Logie and J. D. Stewart. J. D. STEWAT, Clerk. [Seal.]

(Sgd) EDWARD WRIGHT, As to signature of J. D. Beatty and H. W. Mills.

J. D. BEATTY, President. H. W. Mills, Secretary. [Seal.]

By-Law No. 544.

Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 of 37 Victoria, entitled " An Act to incorporate the Sarnia Street Railway Company," by which the said company, hereinafter called "the company," is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks; sw tches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia (hereinafter called "the corporation") as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town and the said company in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the company may be authorized by the council of said town by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected there-

And whereas the corporation and the company are by the said Act respectively authorized to make and enter into any agreements or covenants relating to, amongst other things, the construction of the said railway and the location thereof, and the particular streets along which the same shall be laid.

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned and for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the council of the corporation by by-laws passed respectively on the 26th day of November, 1874, and the 27th day of April, 1892, conferred certain rights and privileges upon the company, subject to the conditions contained in such by-laws.

And whereas the company and the corporation desire that the company shall construct a surface electric street railway on the trolley system (in place of their present railway) on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that the said by-laws shall be consolidated and amended so that the same shall read as this by-law reads and that all portions of the said several by-laws inconsistent herewith shall be repealed.

Be it therefore enacted by the Municipal Council of the Corporation of

the Town of Sarnia as follows :-

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January, 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track with the necessary side tracks, turnouts or switches for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of the said Town of Sarnia mentioned in section two of this by-law, and upon and along such other streets of the said Town of Sarnia as the company may with the consent of the corporation, expressed by by-law, hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council

for the protection of the citizens of said corporation.

2. The streets and parts of streets referred to in this by-law and to which the permission and authority hereby granted shall extend, subject

to the conditions and provisions in this by law contained are :-

(a) From the tunnel station yard to Russell street, Russell street from the tunnel station yard to the Plank Road, the Plank Road from Russell street to Wellington street, Wellington street from the Plank Road to Front street, Front street from Wellington street to a point on Front street 10 rods north of Russell's lane.

George street from Front street to Christina street, Christina street from George street to Exmouth street, Exmouth street from Christina

street to Bay View Park.

(b) Lochiel street from Front street to Christina street, Christina street from Lochiel street to George street, Green Street from Russell street to Palmerston street, Palmerston street from Green street to Campbell street, Campbell street from Palmerston street to Russell street.

(c) Christina street from Wellington street to Devine street, Devine street from Christina street to Brock or John street, Brock or John street from Devine street to Confederation street, Confederation street from

Brock or John street to Russell street.

3. The construction of the said surface street railway on the streets mentioned in section (a) of clause 2 hereof shall be continued from the date of the final passing hereof and shall be completed and the cars run-

ning efficiently thereon by the 1st day of August, 1901.

The construction of the said surface street railway on the streets mentioned in section (b) of clause 2 hereof may, at the option of the company, be commenced and completed without unnecessary delay at any time during the three years next succeeding the first day of January,

1901, and in the event of such street railway not being constructed and in operation on the said portions of said streets set out in section (b) of clause 2 hereof within said last mentioned time, then the rights granted the said company under this by-law shall absolutely cease, determine and be forfeited and void in so far as they extend to any portions of said last mentioned streets upon which the company have not then constructed and are operating its railway.

The construction of the line of surface street railway mentioned in section (c) of clause 2 hereof shall be completed within two years from the first day of January last and should the last mentioned line not be completed within said last mentioned time, the said company shall pay to the corporation annually thereafter on the first day of January in each year, the first payment to be made on the first day of January, 1904, the sum of one hundred and fifty dollars as and for part consideration for the franchises hereby granted and as and for liquidated damages, the franchises hereby granted to the company being granted partly in consideration of the building and operating an electric railway on parts of streets mentionbut upon the completion of the said line shall be completed; but upon the completion of the said line the said payments shall cease and in the event of said street railway not being constructed and in operation on said last mentioned line within two years from the arst day of January last, then the said corporation shall have the right at any time to declare the rights and franchises hereby granted in respect to streets mentioned in section (c) forfeited, whereupon the same shall immediately cease and be determined and void and the said corporation shall have the like right to grant franchises to other companies or individuals on the streets mentioned in section (c) of clause 2 of this By-law, that it has in respect to other streets in the town not specified herein, but should another railway be constructed thereon, then said annual payment shall cease and be determined.

4. The tracks of the said company and all work necessary for constructing and laying the same shall be built and made in a substantial manner and the streets in which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up, opened or interfered with by the company, such work to be done to the satisfaction of the board of works.

5. The said railway shall be of the guage of four feet eight and one-half inches, and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and

carriages over the same.

6. The said railway shall, unless otherwise directed, by by-law of the council of the corporation passed before the construction of said railway and except where the tracks of the company as at present laid are not in the centre of the streets, be laid in the centre of the street and where turnouts shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street and the location of the road where now laid shall remain as it is.

7. The tracks shall conform to the grades of the several streets upon and along which the same shall be laid, as the same now are and shall hereafter be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom and for the purposes of this by-law the corporation shall on request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are

required to conform.

8. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's, turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's, and turnouts and between the tracks and the switches, and between the tracks and the turnouts and eighteen

inches outside of the outer rails of such Y's, turnouts, switches and side tracks, and where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of

each rail.

- 9. The track allowance shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said track allowance plank or other similarly substantial and suitable crossings for teams, such crossings to be of the width required by the board of works, and until the said corporation has a population of twenty thousand (20,000) people as estimated by the record taken by the town assessor, the said company shall pay all extra costs of paving, repaving, macadamizing re-macadamizing, gravelling or regravelling and maintenance of said track allowances occasioned by the construction, operation or existence of said street railway track or works, such extra costs to be determined in case of dispute by the town engineer without appeal from his decision, such decision to be absolutely final, and after the said corporation shall have a population of 20,000 people then in addition to paying the extra cost of paving, macadamizing or gravelling the said track allowances, such track allowances shall be repaved, remacadamized and wholly maintained and kept in repair to the satisfaction of the board of works for the time being, by and at the expense of the company, the company furnishing the materials for so doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the street. And in default of the company so doing then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, repaving, remacadamizing, regravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.
- 10. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall upon the company ceasing to use the horse cars put the said track allowances in perfect state of repair, so that they shall then be in a perfect condition, and in all respects filled up solidly, even and flush with the top of the rail, and this provision applies to the portion of the said company's tracks now electrified, which notwithstanding any provision of this by-law shall be so repaired and put in perfect condition by the company.

11. Whenever the company break up, open or interfere with any street the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fully settled, and with all practical speed, and not more than one block shall be opened up at one time in one continuous line.

12. The company shall in restoring the streets where the same have been broken up by the company use similar materials to that of which the

roadway on the street is constructed.

13. While the rails are being laid or any of the works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street from which the same shall be taken.

14. And it is hereby expressly declared that the corporation of the Town of Sarnia shall not be held liable to the said Street Railway Company for damage the said company may incur or sustain by the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water and gas pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.

15. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks, except for railway purposes, with horses, carriages, or other vehicles, loaded or not, when and so often as

they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

16. The company shall indemnify and save harmless the corporation at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of any impeachment of this by-law, or by the exercise by the company of their powers or any of them or by reason of neglect of the company in the execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted or by reason of any negligence of the said company or by reason of any act, default or omission of the company or otherwise howsoever occasioned by the existence of the railway or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice by the company to the corporation to repair the particular defect; and should the corporation pay or be put to any such loss, damages, costs, charges or expenses the company shall forthwith upon demand repay the same to the corporation.

17. The company shall by the use of guard wires or other sufficient means protect all the town fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway.

18. All rights that are now or that may hereafter be vested in the said town council in respect to the care and improvement of the streets, the construction of sewers, culverts, or drains and the laying of water or gas pipes therein, are in no way to be affected or impaired by any privilege that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up, alter, repair, or remove sewers, water and gas pipes and to lay down, or to permit to be laid down, in the Town of Sarnia, gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs; and where it shall be necessary that the track of the company should be removed in order that the said works or any of them should be conveniently done, then such track shall be removed and replaced by the company and at its own expense.

19. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks.

20. The company shall place and continue on said railway good modern cars sufficient for the accommodation of the public on all lines.

21. The privileges granted by this by-law shall extend until the first day of January, 1931, but the corporation may, after giving at least one year's notice in writing prior to the expiration of thirty years from the first day of January last of their intentions so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of the Municipal Act respecting arbitrations and references or any Act substituted therefor, or for the time being, dealing with the said matters.

22. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof real and personal necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made, or if not, on paying into court or to the company, such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations, and conditions as the said judge shall, by his order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.

23. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of Jan-

uary last or any fifth year thereafter.

24. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter and so at the expiration of periods of five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice in writing to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law, provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first of January, 1931.

25. The company in changing their system and performing the other work provided for by this by-law and in maintaining and operating their railway will, so far as is practicable so to do, employ residents of the Town of Sarnia.

26. Cars running in the same direction, or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them together or at stations and turnouts.

27. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons; and the said corporation shall have the right by by-law to fix the service necessary on the company's various lines, and to fix the maximum rate of speed that the motors and cars of the railway, or either of them, shall run at on any portion of the railway within the corporation, but so that the said rate of speed so fixed shall not be less than six miles per hour; but so that the services required shall not be oftener than a car each way every twenty minutes until the population of the corporation, estimated by the record taken by the town assessor, shall reach 12,000 inhabitants; but provided that in places where loop lines exist a car passing over one track on the loop line and returning on the other, or vice versa, shall constitute the running of a car each way.

28. It is hereby reserved to the municipal council of said corporation to make any further rules, regulations, orders and by-laws in relation to the construction, repair and operation of the said railroad as from time to time may be deemed necessary to protect the interests of the said town

9

and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by-laws shall be made which shall have the effect to impair the substantial rights of the company.

- 29. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway, the same shall be done by the company in such manner and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along said streets or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow except upon switches and turnouts.
- 30. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey the passengers over the company's road from day to day until the cars can be used on the track, and to charge fare for the carriage of passengers on such sleighs.
- 31. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road in the same continuous route within the town, between 6 a.m. and 11 p.m., a sum not exceeding five cents, and between 11 p.m. and 6 a.m. a sum not exceeding ten cents, except in both cases children under five accompanied by parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 o'clock p.m., twenty-eight tickets for one dollar, said last mentioned tickets to be not transferable; and provided also that railway employees shall be carried at a five cent rate between 11 p.m. and 6 a.m., and tickets therefor furnished by the company, which tickets shall not be transferable.

- The said company may also charge a reasonable compensation for carrying packages and freight.
- 33. The conductors or drivers shall not allow ladies or children to leave the car while in motion.
- 34. The cars after sunset shall be provided with colored signal lights with different colors to indicate the different routes travelled, and each motor car shall have a gong attached to it which shall be rung when necessary to give warning.
- 35. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the motor man or conductor of any car, or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the mayor of the corporation, or before any other magistrate having jurisdiction; provided that if any person, persons or corporation shall have any cause to remove any building or other large substance they shall be allowed reasonable and sufficient time to remove the same without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the board of works for the said corporation, and shall have given the company twenty-four hours notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at or be put to by reason of the breakage, cutting or moving or raising of their wires, or otherwise. This shall not apply to any person meeting with an accident on the track.
- 36. The said company shall keep tickets for sale at the rates herein provided at some place in the business portion of the corporation convenient for the people.
- 37. The company shall from time to time adopt and use fenders and other reasonable safeguards, subject to the approval of the corporation,

against accidents and injury in the work and running of their railway.

38. The location of the line of the said railway on the said streets, and the position of the rails, switches and turnouts and other works thereon, shall be shown upon plans with figured dimensions showing the distance of all the company's works from the sidelines of the streets, and such plans shall be filed with the clerk of the corporation.

§ {39. Should the company hereafter deem it advisable they may with the consent of the corporation expressed by by-law substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall be in no wise less efficient than under the electric motive power on the trolley system.

- 40. No new line or extension or additional track shall be built by the company on any of the streets of the Town of Sarnia not herein specifically mentioned, except under authority first obtained by by-law of the council of the corporation.
- 41. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, or near the fire engines, hose or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.
- 42. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns, storage sheds, yards or repair shops, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the board of works.
- 43. The company are exclusively authorized to construct, maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power, or with such other modern motive power not less efficient than electricity on the trolley system, which is approved of by the said corporation as aforesaid, as the said company may see fit to adopt on the streets and portions of streets mentioned in section two hereof.
- 44. In the event of any person, persons, firm or corporation proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this By-Law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose, then the corporation may grant the privilege to any other person, persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets, provided always that nothing herein contained shall be taken to bind the corporation to grant to the company or any one else the right to construct a railway or railways upon any streets other than those herein specifically named. The said notice to the company of such proposal shall contain a notification of the time fixed by the corporation for the completion of the proposed work if said option should be accepted by the company, and should the company not accept said option as herein provided and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods

as the corporation from time to time fix, such extensions of time, however, not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges granted to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in the said notice for the completion thereof, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.

45. Should the company at any time cease to regularly use for the purposes of their railway for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the corporation may give written notice to the company directing the company to remove the said poles and overhead appliances and construction and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand.

46(a). The company shall if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by-law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the town limits to the centre of the town or such other place or places within the town as the said suburban or radial or other electric railway companies or company may have their station or stations and if and when desired, back again to the said town limits, to the same point at or any other point on the line of the company's railway and, when the company's tracks and trolley wires do not extend to the town limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said suburban or radial or other electric railway companies or company shall have the right, if permitted to do so by the by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies' lines and the tracks of the company and subject to the provisions and conditions of any such by-law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose, the company to have the right to collect the regular town fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the town limits and all such passengers shall be entitled to transfers to any part of the town from the said suburban or radial or other electric railway company's cars to and upon the company's cars or rice versa, upon payment of one fare to the company, the intent of this provision being that every passenger shall be entitled to be carried from any point within the town limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 31 hereof, the compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 21, 22 and 23, but in determining the said price to be paid the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to

the operating expenses of the said road. Provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

- (b) In case the company refuse or neglect to carry out any of the provisions of subsection (a) of this section to the satisfaction of the corporation or the said suburban or radial or other electric railway company or companies, the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 21, 22, and 23 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.
- (c) This section shall apply to all suburban or radial railways, whether operated by electricity or other motive power.
- 47. Whenever the words "town engineer," "town engineer for the time being," or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the Town of Sarnia for the time being or other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this by-law devolving or conferred upon the said engineer.
- 48. In all arbitrations under this by-law, in case of difference between the arbitrators, a majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.
- 49. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter, or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by-law or by the use or possession of said streets, and in which case the corporation reserves the right to assume the railway by paying its value to be settled by arbitrators as in sections 21, 22 and 23 of this by-law is provided or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense thereof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.
- 50. The assessment of the company upon their tracks, track allowances, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature or kind soever for the term of twenty years from the first day of January, 1901, is hereby fixed at one dollar per head estimated by the yearly records made and taken by the town assessor as aforesaid, after which time the same is to be subject to assessment as if this by-law had not been passed.
- 51. Sections 43 and 50 and all other proportions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact,

shall not operate or come into force until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

- 52. The company shall at all times furnish a good and sufficient service to meet the public requirments, said service to be regulated by the corporation, and shall on Sundays make one trip for each regular passenger train that arrives at or departs from the railway stations at or near which their road passes or terminates, and two trips from Point Edward to the tunnel in the morning and two trips from the tunnel to Point Edward in the evening to convey railway employees to and from their homes; but nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays except as aforesaid, and no other service shall be given on Sundays.
- 53. The corporation shall have the right to use the poles of the company for the wires or other appliances of the fire alarm system of the corporation.
- 54. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provision of this by-law; but the corporation shall not be required or compelled to incur any expense in connection therewith.
- 55. The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law and the agreement to be entered into between the corporation and the company pursuant thereto should it between dadvisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any).

56 The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses subject to the conditions and regulations contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of August next; but such repeal stall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to subsist. But this clause shall not affect the present rights of the company on Front street north of the street car barns until the company obtains a crossing over the Grand Trunk track on or near Exmouth street.

57. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corporation unless and until formally accepted by the company within fifteen days after passing thereof by an agreement which shall legally blind the company to comply with, observe, and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the town solicitor, and such agreement when so approved shall also be executed under the seal of the corporation by the mayor and town clerk.

58. This by-law shall be known as by-law 544 of the town of Sarnia.

Finally passed this 8th day of April 1901.

(Sgd) J. D. STEWART, Clerk. (Sgd) WILLIAM LOGIE,
Mayor.

CIGIA,

#### SCHEDULE B.

Articles of Agreement made this third day of July, A.D. 1901, between, the corporation of the Village of Point Edward, (hereinafter called the corporation) of the first part, and The Sarnia Street Railway

Company, Limited, (hereinafter called the company) of the second part. Whereas by an Act of the Legislature of the Province of Ontario passed on the twenty fourth day of March, A.D. 1874, entitled "An Act to incorporate The Sarnia Street Railway Company" it is amongst other things provided that the council of the said corporation (as well as the councils of other corporations adjoining to the Town of Sarnia) and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the said corporation on the 24th day of June, A.D. 1901, passed a by-law numbered 184 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Village of Point Edward upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy

of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to said by-law and the same have been approved of by the village solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say.—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company; subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed the corporate seal and the reeve and village clerk have set their hands and the company have caused to be affixed their corporate seal and their president and secretary have set their hands the day and year first above written.

Signed sealed and delivered In the presence of.

[Sgd.] R. I. Towers, as to signature of reeve and clerk and seal of the Corporation of Point Edward.

[Seal]

Seal ]

(Sgd.)

W. O. Parsons,
Reeve, Village of Point Edward.
J. F. O'Neil.
Clerk, Village of Point Edward.

JNO. D. BEATTY,
President, Sarnia Street Railway

Company.

H. W. Mills,
Secretary, Sarnia Street Railway
Company.

### By-Law No. 184.

Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 37 Victoria, entitled "An Act to Incorporate the Sarnia Street Railway Company," by which the said company (hereinafter called the "Company") is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town or of said municipalities respectively, or any of them, and the said company, in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power as the company may be authorized by the council of the said town and municipalities respectively, by by-law to use and to construct and maintain all necessary work, buildings, appliances and conveniences connected therewith.

And whereas, the corporation of the village of Point Edward hereinafter called "the corporation" is a neighboring municipality to the Town of Sarnia aforesaid within the meaning of the said Act.

And whereas the corporation or their predecessors by by-laws conferred certain rights and privileges upon the company subject to the conditions contained in such by-laws.

And whereas the company desire to construct a surface electric street railway on the trolley system in place of their present railway on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that upon the completion of the construction of the work hereby authorized to be done the said by-laws heretofore passed shall, without further act on the part of the said corporation or the said company, be consolidated and amended so that the same shall read as this by-law reads, and all portions of the said several by-laws inconsistent herewith shall thereafter be repealed.

Be it therefore enacted by the municipal council of the corporation of the Village of Point Edward as follows:—

1. (a) The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January, 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track, with the necessary side tracks, turnouts or switches for the passage of cars, carriages or other vehicles adapted to the same, upon and along the following roads and streets in the said Village of Point Edward, namely: Exmouth street, from the north end of Christina street to the road to the east of Bay View Park; the road around the east side of Bay View Park, from Exmouth street to St. Clair street; St. Clair street, throughout; Edward street, from the end of St. Clair street to Michigan avenue; Michigan avenue, from Edward street to Livingstone street; and upon and along such other streets of the said Village of Point Edward as the company, with the consent of the corporation expressed by a by-law, may hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such roads and streets for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council for the protection of the citizens of the said corporation.

(b). The said company shall have, subject to the conditions and agreements hereinbefore mentioned, the further right to construct, complete, maintain and operate during said term its railway to the Lake shore over such portions of Michigan avenue east of Edward street and any of the streets or parts of the streets north of Michigan avenue which the said company may select and construct and operate their railway upon within two years from the first day of August next.

2. The construction of the said surface street railway on the roads and streets hereinbefore mentioned shall be commenced on or before the first day of August A.D. 1901 and shall be completed and the cars running efficiently thereon by the first day of November A.D. 1901.

3. The tracks of the said company and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and the roads and streets on which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up or interfered with by the company, such work to be done to the satisfaction of the council of the said village.

4. The said railway shall be of the guage of four feet eight and a half inches and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passages of vehicles and carriages over

the same.

- 5. The said railway shall, unless otherwise directed by by-law of the council of the corporation passed before the construction of the said railway, be laid in the centre of the street, and where turnouts shall be used so that the inside rail of each track shall be within two feet of the centre line of the street, except that part from Exmouth street to St. Clair street proper, which part shall be constructed where the street car road now is, the corporation to have the right to drain under the tracks wherever they think proper for the purpose of removing all surplus water between those
- 6. The tracks shall conform with the grades of the several streets upon and along which the same shall be laid as the same now are, or hereafter may be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom, and for the purposes of this by-law the corporation shall upon request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are required to conform.
- 7. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's and turnouts and between the tracks of the Y's and between the tracks and the switches and between the tracks and the turnouts and eighteen inches outside of the outer rails of such Y's, turnouts, switches and side tracks, and where loops are or shall the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.
- 8. The track allowances shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said allowance plank or other similar substantial and suitable crossings for teams, such crossings to be of the width required by the council and shall pay all extra costs of paving, repaving, macadamizing, remacadamizing, gravelling or regravelling and maintenance of said track allowance occasioned by the construction, operation or existence of said

street railway track or works, such extra costs to be determined in case of dispute by the village engineer without appeal from his decision, such decision to be absolutely final, such village engineer to be such engineer as the village may appoint for the purpose.

- 9. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall, upon the company ceasing to use the said horse cars, put the said track allowances in perfect state of repair so that they shall be in a perfect condition and in all respects filled up solidly even and flush with the top of the rail.
- 10. Whenever the company break up, open or interfere with any road or street, the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fu'ly settled and in restoring the streets where the same have been broken up by the company, the company shall use similar material to that of which the roadway on the street is constructed.
- 11. While the rails are being laid or any works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles and all surplus street material shall be either removed or spread over the street from which the same shall be taken.
- 12. It is hereby expressly declared that the corporation of the village of Point Edward shall not be held liable to the street railway company for damages the said company may sustain or incur by the breakage of any sewer or water pipes or other pipes or for any delay that may be caused by construction of sewers and the laying of water and gas pipes or other pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.
- 13. It shall be lawful for all and every person or persons whatsoever, to travel upon and use the said tracks, except for railway purposes, with horses, carriages or other vehicles loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.
- all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of any impeachment of this by-law, or by the exercise by the company of their powers or any of them, or by reason of neglect of the company in execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any negligence of the said company, or by reason of any act, default or omission of the company or otherwise howsoever, occasioned by the existence of the railway, or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice by the company to the corporation to repair the particular defect: and should the corporation pay or be put to any such loss, damages costs, charges or expenses the company shall forthwith, upon demand repay the same to the corporation.
- 15. The company shall by the use of guard wires or other sufficient means, protect all the village fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of the railway.
- 16. All rights that are now, or that may hereafter be vested in the said village in respect to the care and improvement of the streets, the construction of sewers, culverts or drains, and the laying of water or gas

pipes therein, are in no way to be affected or impaired by any privileges that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up alter, repair or remove sewers, water and gas pipes, and to lay down or permit to be laid down in the Village of Point Edward gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatsoever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs, and where it shall be necessary that the track of the company should be removed in order that the said works, or any of them, should be conveniently done, then such track shall be removed and replaced by the company at its own expense: but no sewer, water or other pipe shall be placed or constructed lengthwise under the road of the company, but such sewer, water or other pipe may be laid or constructed across under said road of the company, either directly or obliquetly.

- 17. The said company shall be hable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks and the company shall place and continue on said railway good modernears sufficient for the accommodation of the public on all lines.
- 18. The privileges granted by this by-law shall extend until the first day of January, 1931, but the corporation may, after giving at least one years' notice in writing prior to the expiration of thirty years from the first day of January last of their intention so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof to be determined by arbitration and any arbitration under this section shall be subject to the provisions of the Municipal Act respecting arbitrations and references or any act substituted therefore, or for the time being, dealing with the said matters.
- 19. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last; but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made or if not, on paying into court or to the company, such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.
- 20. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of January last or any fifth year thereafter.
- 21. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years reckoned from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice in writing to

the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law. provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply, mutatis mutandis, in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first day of January, 1931.

22. Cars running in the same direction or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them

together, or at stations and turnouts.

23. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or other unavoidable reasons, and the said corporation shall have the right to fix the maximum rate of speed that the motors and cars of the railway or either of them shall run at on any portions of the railway within the corporation, but so that the rate of speed so fixed shall not be less than six miles per hour, and the said company shall give a service of at least one car each way every thirty minutes. from 6.30 a.m. until 8 p.m., and an hourly service from 8 p.m. until 10 p.m., and on Saturday nights until 11 p.m.

24. It is hereby reserved to the municipal council of the said corporation to make any further rules, regulations, orders and by laws in relation to the construction, repair and operation of the said railroad as may be deemed necessary to protect the interests of the said village, and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by laws shall be made which shall have the effect to impair the substantial rights of the company, or to require a more frequent service than hereinbefore specified.

25. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway the same shall be done by the company in such manner and so evenly spread on the streets as not to obstruct the free passage of sleighs or other vehicles along said streets, or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow, except upon switches and turnouts.

26. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey passengers over the company's road from day to day until the cars can be used on the track, and to charge for the carriage of passengers on such sleighs.

27. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road, in the same continuous route within the Village of Point Edward and the Town of Sarnia between 6 a.m. and 11 p.m. a sum not exceeding five cents, and between 11 o'clock p.m. and 6 o'clock a.m. a sum not exceeding ten cents, except children under five accompanied by their parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company also shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 p.m., 28 tickets for \$1.00, said last mentioned tickets to be not transferable; and provided also that monthly tickets entitling the holder to one trip each way on each day of the month for which the said ticket is issued between the hours of 6 a.m. and 8 a.m., and between 5 p.m. and 7 p.m., shall be sold to working people residing or boarding at Point Edward and working in the Town of Samia at the rate of \$1.50 for each said monthly ticket, said tickets to be not transferable, and to be good only between and to include the first and the last days of the calendar month for which the same is issued.

And provided also that monthly tickets entitling the holder to one trip each way on each school day between the hours of 8 a.m. and 9 a.m. and between 3 p.m. and 5 p.m. shall be sold to all children living in Point Edward and attending school in Sarnia, applying therefor at seventy-five cents per month, said tickets to be not transferable and to be good only between and to include the first and last days of the calendar month for which the same is issued.

28. The said company may also charge a reasonable compensation for carrying packages and freight.

29. The conductors and drivers shall not allow ladies or children to leave the car while in motion.

30. The cars after sunset shall be provided with colored signal lights with different colors to indicate different routes travelled, and each motor shall have a gong attached to it which shall be rung when necessary to give warning.

31. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the metorman or conductor of any car or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the Reeve of the corporation or before any other magistrate having jurisdiction; provided that if any person, persons, or corporations shall have any cause to remove any building or other large substance they shall be allowed reassonable and sufficient time to remove the same, without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the council for the said corporation and shall have given the company twenty-four hours' notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at, or be put to by reason of the breakage, cutting or moving or raising of their wires or otherwise. This shall not apply to any person meeting with an accident on the track.

32. The company shall from time to time adopt and use fenders and other reasonable safeguards (subject to the approval of the corporation) against accidents and injury in the work and running of their railway, but the said corporation shall approve of any fender that may be approved of by the municipal council of the Town of Sarnia.

33. The location of the line of the said railway on the streets and the position of the rails, switches, and turnouts and other works thereon shall be shown upon plans with figured dimensions showing the distance of all the company's works from the side lines of the streets and such plans shall be filed with the clerk of the corporation.

34. Should the company hereafter deem it advisable they may, with the consent of the corporation expressed by by-law, substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall in no wise be less efficient than under the electric motive power on the trolley system.

35. No new line or extension of additional track shall be built by the company on any of the streets of the village of Point Edward not herein specifically mentioned except under the authority first obtained by by-

law of the council of the corporation.

36. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire or near the fire engines, hose, or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.

37. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns,

storage sheds, yards or repair ships, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the council of the corporation.

- 38. The company are exclusively authorized to construct maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power or with such other modern motive power not less efficient than electricity on the trolley system, which is approved of by the said corporation as aforesaid, as the company may see fit, to adopt on the streets and portions of streets mentioned in subsection (a) of section one hereof, and on such parts of Michigan Avenue to the east of Edward street and any of the streets north of Michigan Avenue which the said company may select and construct and operate their railway upon within two years from the first day of August next; and subject to the right of other street railways crossing the same, at such places as the council of the said corporation may select.
- 39. In the event of any person, persons, firm or corporation proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose then the corporation may grant the privelege to any other person, persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the corporation to grant to the company, or any one else, the right to construct a railway or railways upon any streets or parts of atreets other than those streets or parts of streets over which a franchise is hereby granted. The said notice to the company of such proposal shallconta in a notification of the time fixed by the corporation for the completion of the proposed work and if said option should be accepted by the company, and should the company not accept said option as herein provided, and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods as the corporation from time to time fix, such extensions of time however not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges granted to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in said notice for the completion thereof or extensions thereof as aforesaid, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.
- 40. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by-law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the village limits to the centre or business part of the village, or such other place or places within the village as the said suburban or radial or other electric railway companies or company may have their station or stations, and, if and when

desired, back again to the said village limits, to the same point at, or any other point on the line of the company's railway, and when the company's tracks and trolley wires do not extend to the village limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if, having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said suburban or radial or other electric railway companies or company shall have the right, if permitted to do so by by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies' lines and the tracks of the company or to the river or lake front at the option of the corporation and, subject to the provisions and conditions of any such By law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the village limits, and all such passengers shall be entitled to transfers to any part of the village from the said suburban or radial or other electric railway company's cars to and upon the company's cars, or vice versa, upon payment of one village fare to the company—the intent of this provision being that every passenger shall be entitled to be carried from any point within the village limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 27 hereof. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 18, 19 and 20, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road; provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall com-mence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

(b) In case the company refuse or neglect to carry out any of the provisions of sub section (a) of this section to the satisfaction of the corporation or the said suburban or radial or other electric railway company or companies the matter in dispute and the damage (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 18, 19 and 20 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

41. Wherever the words "village engineer", "village engineer for the time being" or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the Village of Point Edward for the time being, or other officer or person as the coporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this by-law devolving or conferred upon the said engineer.

42. Should the company at any time cease to regularly use for the pur-

poses of their railway for a period of nine months the rails, poles and wires and overhead appliances and construction which shall be placed by the company on that portion of the railway proposed to be constructed to the lake shore over such parts of Michigan avenue to the east of Edward street and any of the streets north of Michigan avenue, which the said company may select and construct and operate their railway upon within two years from the first day of August next, the corporation may give written notice to the company directing the company to remove the said rails, poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such rails, poles, wires and overhead appliances and construction and put such streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand and the franchises hereby granted over such portions of streets aforesaid shall be forfeited.

- 43. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on the entire length of said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by-law or by the use or possession of said streets and in which case the corporation reserves the right to assume the railway by paying its value, to be settled by arbitrators as in sections 18, 19 and 20 of this by-law is provided, or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense thereof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.
- 44. The said company shall be exempt from assessment and taxes upon their track allowance, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature and kind soever within the said village for the term of twenty years from the first day of January, 1901, after which time, that is after the first day of January, 1921, the property of the company is to be subject to assessment as if this by-law had not been passed.
- 45. Sections thirty-eight and forty-four, and all other provisions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact shall not operate or come into force until the same is sa.ictioned, ratified and confirmed by the Legislature of the Province of Ontario.
  - 46. The said company may operate their cars on Sunday.
- 47. Save as hereinbefore provided the corporation shall during thirty years from the first day of January 1901, maintain and keep the said track allowances in repair, but should the said corporation hereafter become annexed to the corporation of the Town of Sarnia then upon the said Town of Sarnia having a population of 20,000 people (including the population of the annexed Village of Point Edward) estimated by the town assessor, or should the said corporation not be so annexed, then from and after the first day of January, 1931, in addition to the said company paying the extra costs of paving, macadamizing or gravelling the said track allowances hereinbefore provided, the said track allowances shall be paved, repaved, macadamized, re-macadamized or gravelled to conform with the adjoining portions of the streets and wholly maintained and kept in repair all to the satisfaction of the board of works for the time being by and at the expense of the company, the company furnishing the materials for so

doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the streets and in default of the company so doing, then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, re-paving, macadamizing, re-macadamizing, gravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.

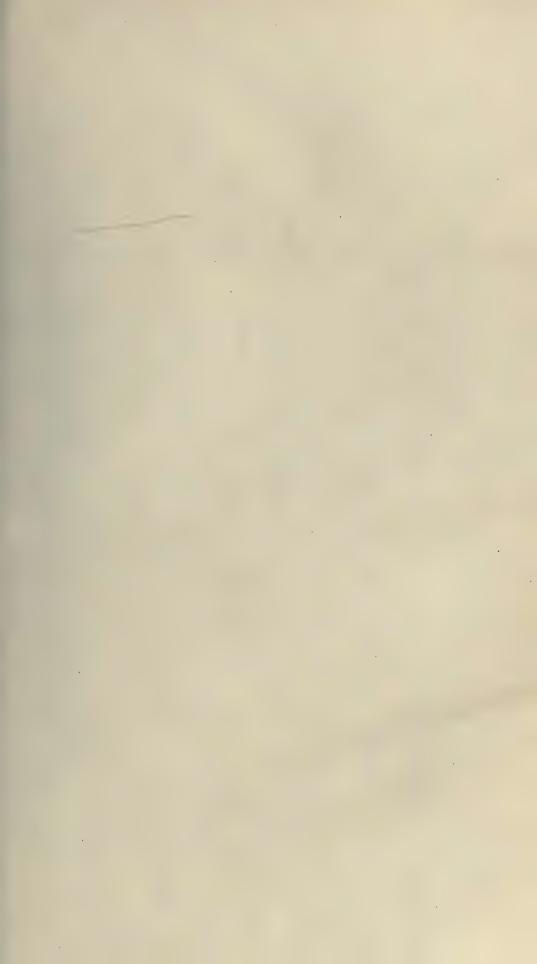
- 48. In the event of the corporation of the Village of Point Edward becoming annexed to the corporation of the Town of Sarnia and a reference to arbitration under any provision of this by-law being had, which would affect the property or rights of the company within the present limits of the Town of Sarnia, and the Village of Point Edward, then the reference by way of arbitration shall be subject to and conducted as one arbitration under the provisions of the then existing provision or provisions in the then existing street railway by-law or by-laws of the said Town of Sarnia.
- 49. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense in connection therewith.
- 50. The corporation shall join with the company in applying to the legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law, and the agreement to be entered into between the corpora ion and the company, pursuant thereto, should it be deemed advisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any.)
- 51. The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed, such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses, subject to the conditions and regula-tions contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of November next, but such repeal shall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to subsist.
- 52. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corporation unless and until formally accepted by the company within fifteen days after the passing thereof by an agreement which shall legally bind the company to comply with, observe and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the village solicitor, and such agreement when so approved shall also be executed under the seal of the corporation by the reeve and the village clerk.

53. This by law shall be known as By-law No. 184 of the village of Point Edward.

Finally passed this 24th day of June, A.D., 1901.

(Sgd.) J. F. O'NEIL, (Sgd.) W. O. PARSONS,

Clerk. Reeve.



5th Session, 9th Legislature, 2 Edward VII., 1902.

### BILL.

An Act respecting the Sarnia Street Railway Company.

First Reading, 28th January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

#### An Act Respecting the Pembroke Southern Railway Company.

HEREAS the Pembroke Southern Railway Company, Preamble. hereinafter called "The Company" has under the various Acts incorporating and relating to the Company, constructed and is now operating from the Town of Pembroke, in the County of 5 Renfrew, to Golden Lake, in the said County, its line of railway by the said Acts authorized; and whereas the Company by its petition has prayed for power to extend its said line of railway from a point at or near its present northern terminus in the said Town of Pembroke, through the Townships of Pem-10 broke, Westmeath, and Ross or any of them to a point or points on the Ot awa River; and also for power to amalgamate with or enter into running arrangements with the Toronto Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company or any other Railway Company 15 or Companies, and for other powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

20 1. The Company may construct, equip, maintain and oper- Location of ate an extension or extensions of its line of railway from a extension of line. point at or near its present northern terminus in the Town of Pembroke in the County of Renfrew, through the Townships of Pembroke, Westmeath and Ross or any of them to a point or 25 points on the Ottawa River.

2. The Company shall have and enjoy and be entitled to all Application the rights, powers and privileges and advantages of every na-powers to ture and kind whether had under the Act of Incorporation and extension. other Acts relating to the Company or otherwise with reference

- 30 to all matters necessary for the construction, equipment, maintenance and operation of the said extension or extensions in as full and ample a manner as if said extension or extensions had been a part of the original undertaking of the Company.
- 3. All persons, firms or corporations given rights, powers, Provisions in 35 privileges or advantages under the said Act of Incorporation Act of Incorporation and other Acts as aforesaid, are entitled to the same rights, to apply to extension.

privileges and advantages and to exercise the same powers with reference to said extension or extensions.

Rights and powers of Municipalities to apply to extension.

4. All municipalities in which the railway of the Company is now situated or through which the said extension or extensions is or are to be constructed, or which may be benefitted the reby, shall have and enjoy all the rights and powers conferred upon municipalities by the said Act of Incorporation and other Acts as aforesaid, subject to the conditions therein contained.

Bonding powers.

5. The directors of the Company shall have power to issue 10 bonds of the Company for the purpose of raising money for prosecuting the said extension or extensions which bonds shall be a first charge upon the extension or extensions to be made hereunder, and upon all franchises, lands, buildings, material, plant and assets obtained for or used in connection with the 15 said extension or extensions, and be also a charge upon the present franchises, lands, buildings, material, plant and assets of the Company subject to a charge now existing thereon, represented by bonds of the Company; provided that the whole amount of the new issue of bonds when added to the amount 20 of bonds already issued shall not exceed in all the sum of \$15,000.00 for each mile of said railway and extension or extensions, and the provisions of sub-sections 19, 20, 21, 22, and 23 of Section 9 of The Railway Act of Ontario, shall apply to all such bonds and the issue thereof and such bonds shall be 25 issued subject and according to and in conformity with the

Rev. Stat. c. 207.

Time for

commence-

ment and completion.

6. The said extension or extensions shall be commenced within three years and completed within six years from the passing of this Act.

provisions of said sub-sections.

Amalgamation, traffic, arrangements, etc., with other companies.

7. The said Company is also authorized and empowered, if lawfully authorized so to do, to amalgamate with or enter into traffic or other arrangements with the Toronto Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company, or any other Railway Company or Com-35 panies or any or either of them; provided that the terms of such amalgamation or traffic or other arrangements are approved of by the shareholders at a special general meeting of the Company called for that purpose in accordance with the said Act of Incorporation; but nothing in this section shall be con-40 strued as purporting or intending to confer rights or powers upon any company which is not within the Legislative auththority of the Province of Ontario.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting The Pembroke Southern Railway Company.

First Reading, , 1902.

(Private Bill)

Mr. MUNRO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act Respecting the Pembroke Southern Railway Company.

WHEREAS the Pembroke Southern Railway Company, Preamble. hereinafter called "The Company" has under the various Acts incorporating and relating to the Company, constructed and is now operating from the Town of Pembroke, in the County of Renfrew, to Golden Lake, in the said County, its line of railway by the said Acts authorized; and whereas the Company by its petition has prayed for power to extend its said line of railway from a point at or near its present northern terminus in the said Town of Pembroke, through the Townships of Pembroke, Westmeath, and Ross or any of them to a point or points on the Ot awa River in the said Townships; and also for power to amalgamate with or enter into running arrangements with the Toronto Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company or the Ottawa and Northern Railway Company, and for other powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Company may construct, equip, maintain and oper- Location of ate an extension or extensions of its line of railway from a extension of line. point at or near its present northern terminus in the Town of Pembroke in the County of Renfrew, through the Townships of Pembroke, We-tmeath and Ross or any of them to a point or points on the Ottawa River in the said Townships.

2. The Company shall have and enjoy and be entitled to all Application the rights, powers and privileges and advantages of every na- of present ture and kind whether had under the Act of Incorporation and extension. other Acts relating to the Company or otherwise with reference to all matters necessary for the construction, equipment, maintenance and operation of the said extension or extensions in as full and ample a manner as if said extension or extensions had been a part of the original undertaking of the Company.

3. All persons, firms or corporations given rights, powers, Provisions in privileges or advantages under the said Act of Incorporation Act of Incorporation and other Acts as aforesaid, are entitled to the same rights, to apply to extension.

privileges and advantages and to exercise the same powers with reference to said extension or extensions.

Rights and owers of to apply to extension.

4. All municipalities in which the railway of the Company Municipalities is now situated or through which the said extension or extensions is or are to be constructed, or which may be benefitted thereby, shall have and enjoy all the rights and powers conferred upon municipalities by the said Act of Incorporation and other Acts as aforesaid, subject to the conditions therein contained.

Bonding powers.

5. The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said extension or extensions which bonds shall be a first charge upon the extension or extensions to be made hereunder, and upon all franchises, lands, buildings, material, plant and assets obtained for or used in connection with the said extension or extensions, and be also a charge upon the present franchises, lands. buildings, material, plant and assets of the Company subject to a charge now existing thereon, represented by bonds of the Company; provided that the whole amount of the new issue of bonds when added to the amount of bonds already issued shall not exceed in all the sum of \$15,000.00 for each mile of said railway and extension or extensions, and the provisions of sub-sections 19, 20, 21, 22, and 23 of Section 9 of The Railway Act of Ontario, shall apply to all such bonds and the issue thereof and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 207.

> 6. The said extension or extensions shall be commenced within three years and completed within five years from the passing of this Act.

commence-ment and completion.

- Amalgamation, traffic, arrangements, etc., with other companies.
- 7. The Company is authorized and empowered to make necessary arrangements to contract and agree with the Toronto, Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company, or the Ottawa and Northern Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation with or entering into traffic or other arrangements with any or either of them ; provided that the terms of such amalgamation or traffic or other arrangements are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy tat a special general meeting of the Company called for that purpose in accordance with the said Act of Incorporation; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the Legislative authhority of the Province of Ontario.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting The Pembroke Southern Railway Company.

First Reading, 21st January, 1902.

(Reprinted as amended by Railway Committee.)

Mr. Munro.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act respecting the London Street Railway Company.

HEREAS the London Street Railway Company was in- Preamble. corporated by an Act of the Ontario Legislature passed in the 36th year of the reign of Her Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and 5 the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the 10 municipality of the City of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities; and whereas the London Street Railway Company have by their petition prayed for an Act confirming By-law No. 431 of the corpora-15 tion of the Township of London, dated the 20th day of June, 1901, and the agreement made in pursuance thereof between the said petitioners and the corporation of the Township of London and dated the 20th day of July, 1901; and whereas it is expedient to grant the prayer of the said petition;

20 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The agreement between The London Street Railway Agreement Company and the corporation of the Township of London with Town-25 dated the 20th day of July, 1901, and the By-law No. 431 confirmed. therein referred to and incorporated therewith, which are set out in Schedule A to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

2. If the company shall fail or neglect to keep, observe, Enforcing 30 perform or comply with any of the provisions of this by-law, observance of in which the residents of the municipality on the correction by-law by in which the residents of the municipality or the corporation company. or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High 35 Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full

power and jurisdiction in the premises and to enforce by injunction, or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corpo- 5 ration are interested.

#### SCHEDULE A.

By-law No. 491 of the municipal council of the corporation of the Township of London, respecting the London Street Railway Company.

Whereas the legislature of the Province of Outario, on the 29th day of March, 1873, passed an Act entitled "an Act to incorporate the London Street Railway Company", by which the said company (hereafter called "the company") are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality; and whereas the Township of London is a municipality adjacent to the said city of London; and whereas the corporation of the said Township of London (hereinafter called "the corporation") and the company are, by the said Act respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway; and whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements.

Be it therefore enacted by the municipal council of the corporation of the Township of London, as follows :-

- 1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete maintain and operate during the remainder of the term of fifty years from the 8th day of March, A. D. 1875, a surface electric street railway, on the trolley system, con-A. D. 1875, a surface electric street railway, on the trolley system, consisting of a single track, with one tunnout or switch for the passage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road or highway (which was originally known as the London and Goderich road) in the third concession of the said Township of London commonly called the "proof line road" lying between the northerly limit of the City of London and a point distant south easterly from the bridge crossing the north branch of the River Thames, commonly known as "Brough's bridge" to be fixed by the said engineer, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the said railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified upon and subject to the conditions and agreements hereinafter mentioned or contained.
- 2. The construction of the said Electric Street Railway shall be commenced within thirty days and shall be completed and the electric cars running thereon efficiently within two months from the passing of this by-law, and in default of which all privileges granted to the company by this by-law shall cease, determined and be at an end.
- 3. The tracks of the said railway and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and according to the best modern practice, under the supervision of the engineer of the corporation and to the satisfaction of the said engineer, and the said road or highway shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the

company is done, as it was at the time it was broken up, opened or interfered with by the company.

- 4. The said railway shall be of the gauge of four feet, eight and one half inches, and the rails shall be what are known as T rails and shall weigh not less than fifty-six pounds per yard and be of similar pattern to those used on Dundas street in the Village of London West and upon the Governor's road in the Township of London, and the same shall be laid, kept and maintained flush with the said road or highway at all street and private crossings and in such a manner as shall least obstruct the free and ordinary use of the said road or highway and the passing of vehicles and carriages over the same.
- 5. (a) The said railway shall be laid on the east side of the highway, so that the west rail thereof shall not be more than fifteen feet, six inches from the easterly boundary line of the said highway.
- (b) The company shall furnish the necessary tile for and place and maintain the same in the bottom of the present ditch on the east side of the said highway so as to properly drain the said highway on the east side thereof and shall also fill up the said ditch and grade the said highway on the east side thereof to the satisfaction and under the direction of the said engineer and so as not to interfere in any way with the drains of the Corporation of the Township of London and of the rate payers and residents of the said township who are now using or who may hereafter desire to use the said ditch. Such tile shall be of the size of twelve inches from the city limits to the Mill Race on the said highway and shall be connected by the said company with all drains or ditches of the said township or of the said ratepayers and residents who now have drains or ditches which run into the present open ditch and the said company shall permit the said corporation or any ratepayer or resident who may hereafter desire to do so, to connect with the said tile hereby directed to be put in the bottom of the present open ditch on the said east side of the said highway.
- 6. (a) The tracks shall conform to the grade of the said road or highway as the same shall be established by the engineer of the corporation before the commencement of the work, and the said engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect and shall within one week after the giving of such certificate, if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said engineer at his usual post-office address.
- (b) Whenever in this by law the words "track allowance" or "track allowances" are used, the 'ame shall mean all the roadway, the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid or where double tracks, Y's, turnouts, switches, or side tracks are or shall be laid the words "track allowance" or "track allowances" shall mean the whole space between the double track, Y's, and turnouts, and between the tracks and the switches, and between the tracks and the turnouts and eighteen inches outside of the outer rails of such double tracks, Y's turnouts, switches and side tracks, and where loops are or shall be laid the words "track allowance" or "track allowances" shall mean the roadway between the rail, and the outside of each rail.
- (c) If the grade given by the said engineer conforms to the existing surface or is above the same, the company shall at their own expense make up the track allowance to the required height and put the same in good condition under the direction and to the satisfaction of the said engineer, and if the grade so given be below the said surface the company shall at their own expense lower the said allowance in such manner as the said engineer shall direct so that the road may be made and kept in a fit and proper state for public travel, and to the satisfaction of the said engineer. The company shall, in restoring the street or road, use similar material to that of which the roadway is composed to the satisfaction of the said engineer, removing all rough stone and dirt, and shall make the said roadway firm and compact to the satisfaction of the said engineer.

- (d) All the work and material necessary to be done and supplied by the company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said engineer.
- 7. (a) The said track allowance at all street and private crossings now existing or hereafter to be established shall be kept and maintained by the company during the continuance of this by-law or the extension of the company's rights thereunder, level with the rails and free from ruts, hollows, depressions or defects of any description, in thorough repair to the satisfaction of the said engineer, and shall be renewed from time to time by the company at their own expense to the satisfaction of the said engineer, all materials to be furnished by the company, and to be satisfactory to the said engineer, and all the said work to be done to his satisfaction and as and when required by him.
- (b) The company shall at its own expense construct and maintain in good repair the crossings on the said road or highway where such crossings are now situate or wherever any crossing or crossings may be hereafter established.
- (c) The assessment of the said company for and in respect of the railway hereby authorized to be constructed is hereby fixed at the sum of one thousand dollars for and during the term granted by this by-law.
- 8. While the rails are being laid or any of the works of the company are in the course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus road material shall be either removed or spread over the road, from which the same shall be taken, as shall be directed by the said engineer.
- 9. The corporation and the council of the corporation and their respective officers, servants and con ractors shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof or to the company, and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage or stoppage of sewers, drains or waterpipes or from the exercise by the corporation of any of their said powers.
- 10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing, which by the terms of this by-law hereinbefore or hereinafter contained they are to do, or in case the company shall fail to keep the said track allowance and crossings in proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the City of London) specifying in general terms the nature of the work or thing which the company has lailed to do or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing or put in proper repair such track allowance or crossing to the satisfaction of the said engineer, then such work or thing may be done and such repair may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby granted to the company shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair, in respect of which such notice shall be given.
  - 11. The said railway shall not be open to the public, or put in opera-

tion, until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

- 12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer notice of their intention so to do, and no more than one hundred lineal feet of the said road or highway shall without his authority in writing be broken up or open at any time or place, and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration and repair, and subject to the supervision of the said engineer.
- 13. During the construction or repair of the said railway, or any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said road or highway, and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers, or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction, to prevent accidents or injury.
- 14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.
- 15. The company shall construct, maintain and operate their system without causing injury to or interfere with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or any service now or hereafter, having the use of or being operated in, upon or under the said highway, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer, to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adop and use the same, and charge the costs thereof to the company, who shall pay the same to the corporation on demand.
- 16. (a) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs charges and expenses of every nature and kind whatsoever which the corporation may incur, to be put to or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the execution of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted by reason of any act, default or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, costs, charges or expenses, the company shall forthwith upon demand repay the same to the corporation.
- (b) The company shall, by the use of guard-wires or other sufficient means, protect the telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.
- 17. (a) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop "Y" or turntable at or near the northern terminus of its route, and at or near such points to construct its track

across the said highway so as to obtain access to other property upon which to construct such loop 'Y" or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company's cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments, and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(b) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls

the attention of the conductor to the crowding.

17. (c) The company in constructing a loop, "Y" or turn-table provided for by sub-section A of this section, shall not in any way impair the ditch or drain upon the side of the said highway, or interfere with the use thereof in any way.

- 18. If the company shall at any time permit any portion of the said road or highway, which is to be kept in repair by the company to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice, which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided such delay shall not relieve the company in any case from their liability under the provisions of this by-law, to idemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair in respect of which such notice shall be given.
- 19. (a) The privileges granted by this by-law shall extend until the 8th day of March, 1925, and the corporation may, after giving at least one year's notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of The Consolidated Municipal Act, 1892, and of the Act respecting arbitration and references, or any Acts substituted therefor or for the time being dealing with said matters and the arbitration shall have all the powers of arbitrators appointed under the said Act; and each party shall pay half the costs of the arbitration.
- (b) After the corporation shall have given such notice they at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made or if not, on paying into

court or to the company such sum of money as a judge of the high court of justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with the said railway, but no allowance shall be made in respect of payments.

- (c) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A. D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years reckened from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of subsection B of this section shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A. D. 1925.
- (d) In the event of the company's railway in the City of London being assumed and taken over at any time by the corporation of the City of London pursuant to section 20 of By-law No. 916, of the said City of London, and in the event of the corporation of the Township of London not desiring to assume the railway pursuant to the provisions of the first, second and third subsections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway; but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel, well pounded, so that the said highway shall be in as good repair as it is required to be under the terms of this by-law, or, secondly, the said company may assign all their franchise rights and privileges granted hereunder to the said corporation of the City of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway company upon the said corparation or corporations, person or persons entering into an agreement with the said corporation of the Township of London, containing the same or similar terms, conditions and provisions as are set out in this by-law and in the agreement between the parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding subsections here-of, unless the corporation of the City of London take advantage of the provisions for arbitrations contained in section 20, of By-law No. 916, and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.
- 20. The company in constructing their said railway will, so far as practicable so to do, employ residents of the Township of London.
- 21. Only one turnout shall be laid on the said highway between the terminal point of the said railway, and the said turnout shall not be more than two hundre! and fifty feet in length and shall be located at such place as he reafter may be agreed upon between the corporation and the said company.
- 22. The following rules and regulations in regard to the working of the railway shall be observed by the company.

- (a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.
- (b) The municipal council of the corporation may require that the cars used shall commence running from the northerly terminus of the railway hereby authorized to be constructed as early as half past six o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going north to leave the corner of Dundas and Richmond Streets in the City of London not earlier than eleven o'clock p.m., and shall run through to the northerly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.
- (c) The company shall use only passenger cars, mail and express cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purpose mentioned in this by-law and such other cars as the council of the corporation may from time to time by by law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe
- (d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding two cents or one city ticket which shall be ac cepted by the company in lieu of the cash fare of two cents, and for a continuous journey thereon from any point on the said railway hereby authorized to be constructed to any point on the company's railway in the City of London as now existing or as may be hereafter in any way extended or from any point on the said company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, a cash fare of seven cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid from any point on the railway hereby authorized to be constructed to any point on the said railway in the said City of London as now existing or as may be hereafter in any way extended or from any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, and shall also carry a child or children free where such child or children are under five years of age, accompanied by a parent or other person having him or them in charge; children between the ages of five and twelve years shall be carried for a cash fare of two cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years at the price of twenty-five cents, and the said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended and from any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed. And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.
- (e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turnouts, and the rate of speed of all cars shall be from time to time subject to the directions of the said council of the corporation and the rates of speed may vary on different parts of the line

- (f) No car shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid a collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no car shall be left or remain standing in the said road or highway at any time unless waiting for passengers, and no more than three cars shall be coupled together.
- (g) There shall be no less than two men in charge of each motor car, and at least one man in charge of each trailes or other car.
- (h) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on said railway.
- (i) It shall be the duty of the motorman in charge of cars while on the read to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or running towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.
- (j) The conductor shall announce to the passengers the names of the streets as the car approaches them.
- (k) The conductors and motorwen shall bring the car to a stop (when passengers request to get on or off the cars) at all streets intersections and such other places as may from time to time be designated by the said Engineer provided that two stopping places are not so designated within the distance of 400 feet.
- (l) The conductor shall not allow any woman or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward of the car).
- (m) The cars after sunset shall be provided with colored signal lights and a bright headlight on every motor car all to be the same as those approved of by the engineer of the City of London for cars running upon the company's lines in said city, and each motor car shall have the gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.
- (n) The carshall be entitled to the track, and any horseor vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by motorman, and anyone placing an obstruction upon a track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a justice of the peace for the Coun'y of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of eleven p. m. and six a. m. to remove, load or unload the same without being liable to the penalty attached by this subsection provided that any person or persons before removing any building along or accross the railway track shall first obtain the consent in writing of the said engineer, for such removal and shall give reasonable notice thereof to the secretary or manager of the company and shall pay the company the cost of cutting their wires and splicing them.
- (o). Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.
- (p). Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the Magistrate's Court, pay a fine of not less than five dollars for each offense.

- (q). The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in subsection D of section 2? hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars, but not more, when required by any passenger.
- (r). The speed and service necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.
- (s). In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed whilst passing along the said railway cause alarm to any horses travelling or being upon or near the proof line road with vehicles or otherwise, the motorman shall if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.
- 23. In case of a break on the part of the company of any of the provisions of the foregoing regulations lettered B, C, D, F, G, L, M, O, Q, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages the sum of ten dollars, and in case such breach of any of the said regulations lettered, D, Q, and R, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38 B.
- 24. The company shall from time to time adopt and use all the most improved safeguards against the means of preventing accidents and injury in the working and running of their railway and the same shall be from time to time similar to those approved of and used in the company's cars in the said City of London.
- 25. No motive power other than electricity shall be used by the company, except with the approval of the corporation unless in cases of accident or necessity and then only under written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.
- 26. The company shall not in any case connect any of their wires with any underground water or other pipes or main.
- 27. It is hereby reserved to the council of the corporation to make and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interest of the corporation, and to provide for the safety, welfare or accommodation of the public but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.
- 28. Nothing herein contained shall entitle the company to run their cars or eperate their railways on Sundays.
- 29. (a) The poles to be used for the company's wires may be iron or wooden poles, and if wooden, the poles shall be all straight and perpendicular and as nearly as possible of the same shape and size and shall be dressed throughout and shall be painted and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.
- (b) In case any pole shall be placed otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.
- 30. (a) Whenever the company shall remove any snow or ice from their tracks or any part thereof, the same shall be entirely removed by them from the highway or shall be evenly spread over the highway under the

direction and to the satisfaction of the said engineer if and so long as the engineer directs the company by notice so to do and whenever the snow and ice is removed from their tracks the company shall when removing the same slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public and to the satisfaction of the said engineer.

(b) In the event of the company neglecting to remove or level the snow and ice from the said road or highway as and when directed by the said engineer, the same may be removed by the said engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the

company to the corporation on demand.

31. Nothing in the next preceding section contained shall be deemed to authorized or permit any person to deposit on the said road or highway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the said highway.

34. In all sections of this by-law in which the time of day is mentioned, such time shall be understood to mean what is known as eastern standard

time.

- 35. Should the company at any time cease to regularly use for the purpose of their railway, for the period of five months the poles and wires and overhead appliances and construction shall be placed by the company in the road, the said engineer or the council of the corporation may give written notice to the company) which may be served by leaving the same at the office of the company in the said City of London, or by mailing the same by registered letter a dressed to the company at the said City of London) directing the company to remove the said poles and wires and overhead appliances and construction, and if the company shall not within one month after the service of such notice, at their own expense remove such poles, and wires and overhead appliances and construction and put the highway in proper repair, and to the satisfaction of the said engineer, the corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.
- 36. All passenger cars running within the limits of the Corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas street and Richmond street in the said City of London and the northern terminus of the railway hereby authorize I to be constructed except during the holding of the Western Fair or any holiday.
- 37. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinbefore provided, the passengers, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the extension of the rights of the company thereunder, desire the company so to do, over the tracks of the railway hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law, from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 19 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor having regard only to the operating expenses of the said road.

(b) In case the company refuse or neglect to carry out any of the provisions of subsection A of this section to the satisfaction of the corporation or the said radial or other electric railway company or companies the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in section 19 hereof, and the corporation, the company or any of the said radial or electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(c) In all arbitrations under this by-law the majority of the arbitrators shall be competent, and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the

arbitrators.

(d) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London; then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said By-law No. 916 of the City of London or as the same may be hereafter amended shall become and be applicable to such part of the highway so incorporated as aforesaid.

36. (a) In case of non-payment of any fine and costs imposed under subsection N or subsection P of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender, and in case of non-payment and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gool of the County of Middlesex, with or without

hard labor, for any period not exceeding twenty-one days.

(b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days, whether consecutive or not, in any year, to maintain and opera e the said railway in substantial conformity with the provisions of this by-law, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end acco rdingly and the said agreement rescinded, and in such case the corporation shall have the right torequire all obstructions and materials placed in said highway by the company under any such by-law or agreement to be removed therefrom and the said highway put in as good condition and repair as it was before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof.

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof, and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, provided that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is

to say :--

"If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents

of the municipality, or the corporation, or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested."

40. The word "engineer" wherever it refers in this by-law to the engineer of the corporation shall mean such person as may from time to time be designated and appointed by resolution of the council of the cor-

poration to perform the duties of engineer under this by-law.

41. This by-law and the powers and privileges hereby grant-d shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay the corporation the sums mentioned in this by-law and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council this 20th day of June, A. D. 1901.



THOS. CLARK, Reeve.

MARY GRANT, Clerk London Twp.

Articles of agreement made the 20th day of July, A.D. 1901, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and, The London Street Railway Company (hereinafter called the company), of the second part.

Whereas the legislature of the Province of Ontario on the 29th day of March, A. D. 1873, passed an Act entitled, An Act to incorporate the London Street Railway Company, by which the said company are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company and subject to any by-law of the municipality.

And whereas by the said Act it is amongst other things provided that the council of the corporation and the company may make and enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the constructing opening of, or repairing of the drains or sewers, or the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular road or roads along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the twentieth day of June in the year of our Lord 1901, passed a By-law, numbered 431, granting to the company certain rights for the construction, maintenance

and operation of the said railway upon and along that portion of the road or highway (which was originally known as the London and Goderich Road) in the third concession of the Township of London, commonly called the Proof Line Road, lying between the northerly limit of the City of London and a point distant south-easterly from a bridge crossing the north branch of the River Thames, commonly known as Brough's Bridge, to be fixed by the engineer of the corporation upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said bylaw, and the same have been approved of by the solicitors for the corporation.

Now these presents witnesseth that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will pay to the corporation any sum or sums of money mentioned in the said by-law, and will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisos and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the reeve and the clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered In the presence of:

JOHN BROWN.

JOHN BROWN.

JAMES J. FITZGERALD.

B. M. F. McKellar.

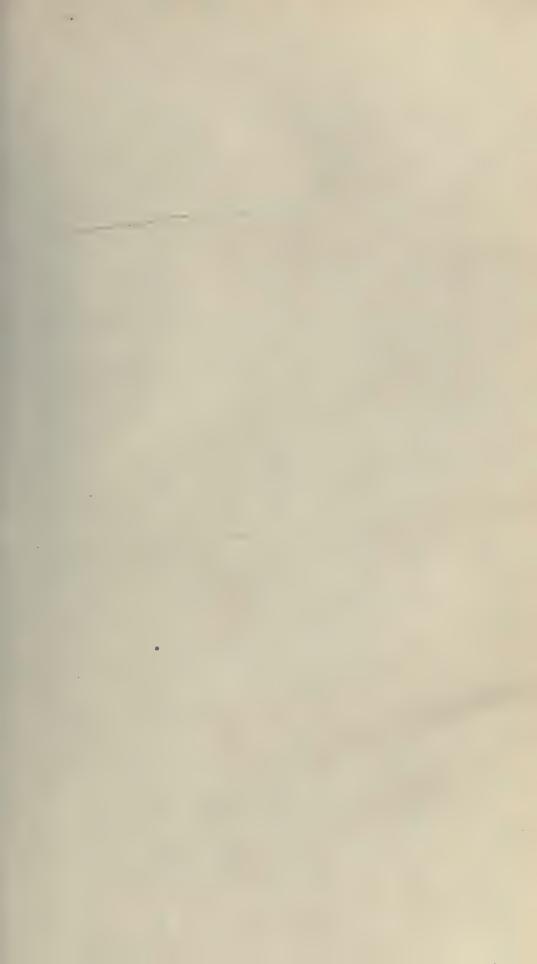
THOS. CLARK.

MARY GRANT, Clerk.

HENRY A. EVERETT, President.

C. E. A. CARR, Secretary. Corporate
Seal
London
Township
Council.

| Corporate | Seal, The | London | Street | Railway | Company.



5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act respecting the London Street Railway Company.

First

Reading,

, 1902.

(Private Bill.)

,

Mr. LEYS.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

[ 1902.

#### BILL

An Act respecting the London Street Railway Company.

WHEREAS the London Street Railway Company was in- Preamble. corporated by an Act of the Ontario Legislature passed in the 36th year of the reign of Her late Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the City of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities; and whereas the London Street Railway Company have by their petition prayed for an Act confirming By-law No. 431 of the corporation of the Township of London, dated the 20th day of June, 1901, and the agreement made in pursuance thereof between the said petitioners and the corporation of the Township of London and dated the 20th day of July, 1901; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The agreement between The London Street Railway Company and the corporation of the Township of London dated the 20th day of July, 1901, and the By-law No. 431 Agreement therein referred to and incorporated therewith, which are set hip of London out in Schedule A to this Act, are hereby declared to be valid confirmed. and legal and to be binding upon the parties thereto.

2. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents of the municipality or the corporation Enforcing or any other person or corporation are interested, then, in observance of addition to all other remedies by law enforceable against the company. company, the corporation may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises and to enforce by injunction, or otherwise, the due observance, performance and

fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested.

3. Nothing in this Act or in any of the schedules thereto shall be construed to authorize the said company to operate a street railway or to run cars on the Lord's Day.

#### SCHEDULE A.

By-law No. 431 of the municipal council of the corporation of the Township of London, respecting the London Street Railway Company.

Whereas the legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "an Act to incorporate the London Street Railway Company", by which the said company (hereafter called "the company") are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality; and whereas the Township of London is a municipality adjacent to the said city of London.; and whereas the corporation of the said Township of London (hereinafter called "the corporation") and the company are, by the said Act respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway; and whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements.

Be it therefore enacted by the municipal council of the corporation of

the Township of London, as follows :--

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete maintain and operate during the remainder of the term of fifty years from the 8th day of March, A. D. 1875, a surface electric street railway, on the trolley system, consisting of a single track, with one tunnout or switch for the passage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road or highway (which was originally known as the London and Goderich road) in the third concession of the said Township of London commonly called the "proof line road" lying between the northerly limit of the City of London and a point distant south easterly from the bridge crossing the north branch of the River Thames, commonly known as "Brough's bridge" to be fixed by the said engineer, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the said railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified upon and subject to the conditions and agreements herein after mentioned or contained.

2. The construction of the said Electric Street Railway shall be commenced within thirty days and shall be completed and the electric cars running thereon efficiently within two months from the passing of this by-law, and in default of which all privileges granted to the company by

this by-law shall cease, determined and be at an end.

3. The tracks of the said railway and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and according to the best modern practice, under the supervision of the engineer of the corporation and to the satisfaction of the said engineer, and the said road or highway shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the

company is done, as it was at the time it was broken up, opened or interfered with by the company.

- 4. The said railway shall be of the gauge of four feet, eight and one half inches, and the rails shall be what are known as T rails and shall weigh not less than fifty-six pounds per yard and be of similar pattern to those used on Dundas street in the Village of London West and upon the Governor's road in the Township of London, and the same shall be laid, kept and maintained flush with the said road or highway at all street and private crossings and in such a manner as shall least obstruct the free and ordinary use of the said road or highway and the passing of vehicles and carriages over the same.
- 5. (a) The said railway shall be laid on the east side of the highway, so that the west rail thereof shall not be more than fifteen feet, six inches from the easterly boundary line of the said highway.
- (b) The company shall furnish the necessary tile for and place and maintain the same in the bottom of the pre ent ditch on the east side of the said highway so as to properly drain the said highway on the east side thereof and shall also fill up the said ditch an I grade the said highway on the east side thereof to the satisfaction and under the direction of the said engineer and so as not to interfere in any way with the drains of the Corporation of the Township of London and of the rate payers and residents of the said township who are now using or who may hereafter desire to use the said ditch. Such tile shall be of the size of twelve inches from the city limits to the Mill Race on the said highway and shall be connected by the said company with all drains or ditches of the said township or of the said ratepayers and residents who now have drains or ditches which run into the present open ditch and the said company shall permit the said corporation or any ratepayer or resident who may hereafter desire to do so, to connect with the said tile hereby directed to be put in the bottom of the present open ditch on the said east side of the said highway.
- 6. (a) The tracks shall conform to the grade of the said road or highway as the same shall be established by the engineer of the corporation before the commencement of the work, and the said engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect and shall within one week after the giving of such certificate, if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said engineer at his usual post-office address.
- (b) Whenever in this by-law the words "track allowance" or 'track allowances" are used, the 'ame shall mean all the roadway, the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid or where double tracks, Y's, turnouts, switches, or side tracks are or shall be laid, the words "track allowance" or "track allowances" shall mean the whole space between the double track, Y's, and turnouts, and between the double tracks and between the tracks, and between the tracks, and the turnouts and eighteen inches outside of the outer rails of such double tracks, Y's turnouts, switches and side tracks, and where loops are or shall be laid the words "track allowance" or "track allowances' shall mean the roadway between the rail, and the outside of each rail.
- (c) If the grade given by the said engineer conforms to the existing surface or is above the same, the company shall at their own expense make up the track allowance to the required height and put the same in good condition under the direction and to the sai isfaction of the said engineer, and if the grade so given be below the said surface the company shall at their own expense lower the said allowance in such manner as the said engineer shall direct so that the road may be made and kept in a fit and proper state for public travel, and to the satisfaction of the said engineer. The company shall, in restoring the street or road, use similar material to that of which the roadway is composed to the satisfaction of the said engineer, removing all rough stone and dirt, and shall make the said roadway firm and compact to the satisfaction of the said engineer.

(d) All the work and material necessar, to be done and supplied by the company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said engineer.

- 7. (a) The said track allowance at all street and private crossings now existing or hereafter to be established shall be kept and maintained by the company during the continuance of this by-law or the extension of the company's rights thereunder, level with the rails and free from ruts, hollows, depressions or defects of any description, in thorough repair to the satisfaction of the said engineer, and shall be renewed from time to time by the company at their own expense to the satisfaction of the said engineer, all materials to be furnished by the company, and to be satis-factory to the said engineer, and all the said work to be done to his satisfaction and as and when required by him.
- (b) The company shall at its own expense construct and maintain in good repair the crossings on the said road or highway where such crossings are now situate or wherever any crossing or crossings may be hereafter established.
- (c) The assessment of the said company for and in respect of the railway hereby authorized to be constructed is hereby fixed at the sum of one thousand dollars for and during the term granted by this by-law.
- 8. While the rails are being laid or any of the works of the company are in the course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus road material shall be either removed or spread over the road, from which the same shall be taken, as shall be directed by the said engineer.
- 9. The corporation and the council of the corporation and their respective officers, servants and con ractors shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof or to the company, and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage or stoppage of sewers, drains or waterpipes or f om the exercise by the corporation of any of their said powers.
- 10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing, which by the terms of this by-law hereinbefore or hereinafter contained they are to do, or in case the company shall fail to keep the said track allowance and crossings in proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the City of London) specifying in general terms the nature of the work or thing which the company has tailed to do or the approximate locality of any such want of repar, and if the company shall not within seven days thereafter have done such work or thing or put in proper repair such track allowance or crossing to the satisfaction of the said engineer, then such work or thing may be done and such repair may be made by the corpora-tion or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby granted to the company shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair, in respect of which such notice shall be given.
  - 11. The said railway shall not be open to the public, or put in opera-

tion, until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

- 12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer notice of their intention so to do, and no more than one hundred lineal feet of the said road or highway shall without his authority in writing be broken up or open at any time or place, and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration and repair, and subject to the supervision of the said engineer.
- 13. During the construction or repair of the said railway, or any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said road or highway, and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers, or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction, to prevent accidents or injury.
- 14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.
- 15. The company shall construct, maintain and operate their system without causing injury to or interfere with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or any service now or hereafter, having the use of or being operated in, upon or under the said highway, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer, to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adop and use the same, and charge the costs thereof to the company, who shall pay the same to the corporation on demand.
- 16. (a) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs charges and expenses of every nature and kind whatsoever which the corporation may incur, to be put to or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the executing of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything he ein agreed to be done or permitted by reason of any act, defult or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, costs, charges or expenses, the company shall forthwith upon demand repay the same to the corporation.
- (b) The company shall, by the use of guard-wires or other sufficient means, protect the telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.
- 17. (a) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop "Y" or turntable at or near the northern terminus of its route, and at or near such points to construct its track

across the said highway so as to obtain access to other property upon which to construct such loop 'Y'' or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company's cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments, and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(b) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls

the attention of the conductor to the crowding.

17. (c) The company in constructing a loop, "Y" or turn-table provided for by sub-section A of this section, shall not in any way impair the ditch or drain upon the side of the said highway, or interfere with the use thereof in any way.

- 18. If the company shall at any time permit any portion of the said road or highway, which is to be kept in repair by the company to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice, which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided such delay shall not relieve the company in any case from their liability under the provisions of this by-law, to idemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair in respect of which such notice shall be given.
- 19. (a) The privileges granted by this by-law shall extend until the 8th day of March, 1925, and the corporation may, after giving at least one year's notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of The Consolidated Municipal Act, 1892, and of the Act respecting arbitration and references, or any Acts substituted therefor or for the time being dealing with said matters and the arbitration shall have all the powers of arbitrators appointed under the said Act; and each party shall pay half the costs of the arbitration.
- (b) After the corporation shall have given such notice they at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made or if not, on paying into

court or to the company such sum of money as a judge of the high court of justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with the said railway, but no allowance shall be made in respect of payments.

- (c) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A. D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years reckened from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of subsection B of this section shall apply mutatis mutandis in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A. D. 1925.
- (d) In the event of the company's railway in the City of London being assumed and taken over at any time by the corporation of the City of London pursuant to section 20 of By-law No. 916, of the said City of London, and in the event of the corporation of the Township of London not desiring to assume the railway pursuant to the provisions of the first, second and third subsections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway; but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel, well pounded, so that the said highway shall be in as good repair as it is required to be under the terms of this by-law, or, secondly, the said company may assign all their franchise rights and privileges granted hereunder to the said corporation of the City of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway company upon the said corparation or corporations, person or persons entering into an agreement with the said corporation of the Township of London, containing the same or similar terms, conditions and provisions as are set out in this by law and in the agreement between the parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding subsections hereof, unless the corporation of the City of London take advantage of the provisions for arbitrations contained in section 20, of By-law No. 916, and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.
- 20. The company in constructing their said railway will, so far as practicable so to do, employ residents of the Township of London.
- 21. Only one turnout shall be laid on the said highway between the terminal point of the said railway, and the said turnout shall not be more than two hundred and fifty feet in length and shall be located at such place as hereafter may be agreed upon between the corporation and the aid company.
- 22. The following rules and regulations in regard to the working of the railway shall be observed by the company.

- (a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.
- (b) The municipal council of the corporation may require that the cars used shall commence running from the northerly terminus of the railway hereby authorized to be constructed as early as half past six o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going north to leave the corner of Dundas and Richmond Streets in the City of London not earlier than eleven o'clock p.m., and shall run through to the northerly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.
- (c) The company shall use only passenger cars, mail and express cars, cars used for the con-truction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purpose mentioned in this by-law and such other cars as the council of the corporation may from time to time by by law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe
- (d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding two cents or one city ticket which shall be accepted by the company in lieu of the cash fare of two cents, and for a continuous journey thereon from a y point on the said railway hereby authorized to be constructed to any point on the company's railway in the City of London as now existing or as may be here-fter in any way extended or from any point on the said company's railway in the said City of London as now exis ing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, a cash fare of seven cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid from any point on the railway hereby authorized to be constructed to any point on the said railway in the said City of London as now existing or as may be hereafter in any way extended or from any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, and shall also carry a child or children free where such child or children are under five years of age, accompanied by a parent or other person having him or them in charge; children between the ages of five and twelve years shall be carried for a cash fare of two cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years at the price of twenty-five cents, and the said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended and from any point on the company's railway in the said City of London as now existing or as may be here ter in any way extend ed to any point on the railway hereby authorized to be constructed. And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.
- (e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turnouts, and the rate of speed of all cars shall be from time to time subject to the directions of the said council of the corporation and the rates of speed may vary on different parts of the line

- (1) No car shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid a collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no car shall be left or remain standing in the said road or highway at any time unless waiting for passengers, and no more than three cars shall be coupled together.
- (g) There shall be no less than two men in charge of each motor car, and at least one man in charge of each trailes or other car.
- (h) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on said railway.
- (i) It shall be the duty of the motorman in charge of cars while on the read to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either up in the track or running towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.
- (j) The conductor shall announce to the passengers the names of the streets as the car approaches them.
- (k) The conductors and motormen shall bring the car to a stop (when passengers request to get on or off the cars) at all streets intersections and such other places as may from time to time be designated by the said Engineer provided that two stopping places are not so designated within the distance of 400 feet.
- (l) The conductor shall not allow any woman or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cors on the left side (looking forward of the car).
- (m) The cars after sunset shall be provided with colored signal lights and a bright headlight on every motor car all to be the same as those approved of by the engineer of the City of London for cars running upon the company's lines in said city, and each motor car shall have the gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.
- (n) The carshall be entitled to the track, and any horseor vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by motorman, and anyone placing an obstruction upon a track except as authorized by this by law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a justice of the peace for the Coun'y of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of eleven p. m. and six a. m. to remove, load or unload the same without being liable to the penalty attached by this subsection provided that any person or persons before removing any building along or accross the railway track shall first obtain the consent in writing of the said engineer, for manager of the company and shall pay the company the cost of cutting their wires and splicing them.
- (o). Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.
- (p). Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the Magistrate's Court, pay a fine of not less than five dollars for each offense.

- (q). The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in subsection D of section 22 hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars, but not more, when required by any passenger.
- (r). The speed and service necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.
- (s). In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed whilst passing along the said railway cause alarm to any horses travelling or being upon or near the proof line road with vehicles or otherwise, the motorman shall if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.
- 23. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered B, C, D, F, G, L, M, O, Q, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages the sum of ten dollars, and in case such breach of any of the said regulations lettered, D, Q, and R, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38 B.
- 24. The company shall from time to time adopt and use all the most improved safeguards against and means of preventing accidents and injury in the working and running of their railway and the same shall be from time to time similar to those approved of and used in the company's cars in the said City of London.
- 25. No motive power other than electricity shall be used by the company, except with the approval of the corporation unless in cases of accident or necessity and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.
- 26. The company shall not in any case connect any of their wires with any underground water or other pipes or mains.
- 27. It is hereby reserved to the council of the corporation to make and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interest of the corporation, and to provide for the safety, welfare or accommodation of the public but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.
- 28. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays.
- 29. (a) The poles to be used for the company's wires may be iron or wooden poles, and if wooden, the poles shall all be straight and perpendicular and as nearly as possible of the same shape and size and shall be dressed throughout and shall be painted and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.
- (b) In case any pole shall be placed otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.
- 30. (a) Whenever the company shall remove any snow or ice from their tracks or any part thereof, the same shall be entirely removed by them from the highway or shall be evenly spread over the highway under the

direction and to the satisfaction of the said engineer if and so long as the engineer directs the company by notice so to do and whenever the snow and ice is removed from their tracks the company shall when removing the same slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public and to the satisfaction of the said engineer.

(b) In the event of the company neglecting to remove or level the snow and ice from the said road or highway as and when directed by the said engineer, the same may be removed by the said engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the

company to the corporation on demand.

31. Nothing in the rext preceding section contained shall be deemed to authorized or permit any person to deposit on the said road or highway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

- 33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the said highway.
- 34. In all the sections of this by-law in which the time of day is mentioned, such time shall be understood to mean what is known as eastern standard time.
- 35. Should the company at any time cease to regularly use for the purposes of their railway, for the period of five months the poles and wires and overhead appliances and construction shall be placed by the company in the road, the said engineer or the council of the comporation may give written notice to the company) which may be served by leaving the same at the office of the company in the said City of London, or by mailing the same by registered letter a ldressed to the company at the said City of London) directing the company to remove the said poles and wires and overhead appliances and construction, and if the company shall not within one month after the service of such notice, at their own expense remove such poles, and wires and overhead appliances and construction and put the highway in proper repair, and to the satisfaction of the said engineer, the corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.
- 36. All passenger cars running within the limits of the Corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas street and Richmond street in the said City of London and the northern terminus of the railway hereby authorize I to be constructed except during the holding of the Western Fair or any holiday.
- 37. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinbefore provided, the passengers, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the extension of the rights of the company thereunder, desire the company so to do, over the tracks of the railway hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law, from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 19 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor having regard only to the operating expenses of the said road.

(b) In case the company refuse or neglect to carry out any of the provisions of subsection A of this section to the satisfaction of the corporation or the said rad al or other electric railway company or companies the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in section 19 hereof, and the corporation, the company or any of the said radial or electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(c) In all arbitrations under this by-law the majority of the arbitrators shall be competent, and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the

arbitrators.

(d) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London, then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said By-law No. 916 of the City of London or as the same may be hereafter amended shall become and be applicable to such part of the highway so incorporated as aforesaid.

36. (a) In case of non-payment of any fine and costs imposed under subsection N or subsection P of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender, and in case of non-payment and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gool of the County of Middlesex, with or without

hard labor, for any period not exceeding twenty-one days.

(b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days, whether consecutive or not, in any year, to maintain and opera'e the said railway in substantial conformity with the provisions of this by-law, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreement rescinded, and in such case the corporation shall have the right to require all obstructions and materials placed in said highway by the company under any such by-law or agreement to be removed therefrom and the said highway put in as good condition and repair as it was before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof.

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof, and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, provided that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say:—

"If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents

of the municipality, or the corporation, or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested."

- 40. The word "engineer" wherever it refers in this by-law to the engineer of the corporation shall mean such person as may from time to time be designated and appointed by resolution of the council of the corporation to perform the duties of engineer under this by-law.
- 41. This by-law and the powers and privileges hereby grant d shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay the corporation the sums mentioned in this by-law and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council this 20th day of June, A. D. 1901.



THOS. CLARK, Reeve.

MARY GRANT, Clerk London Twp.

Articles of agreement made the 20th day of July, A.D. 1901, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and, The London Street Railway Company (hereinafter called the company), of the second part.

Whereas the legislature of the Province of Ontario on the 29th day of March, A. D. 1873, passed an Act entitled, An Act to incorporate the London Street Railway Company, by which the said company are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company and subject to any by-law of the municipality.

And whereas by the said Act it is amongst other things provided that the council of the corporation and the company may make and enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the constructing opening of, or repairing of the drains or sewers, or the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular road or roads along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the twentieth day of June in the year of our Lord 1901, passed a By-law, numbered 431, granting to the company certain rights for the construction, maintenance

and operation of the said railway upon and along that portion of the road or highway (which was originally known as the London and Goderich Road) in the third concession of the Township of London, commonly called the Proof Line Road, lying between the northerly limit of the City of London and a point distant south-easterly from a bridge crossing the north branch of the River Thames, commonly known as Brough's Bridge, to be fixed by the engineer of the corporation upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said bylaw, and the same have been approved of by the solicitors for the corporation.

Now these presents witnesseth that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following that is to say:

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will pay to the corporation any sum or sums of money mentioned in the said by-law, and will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations regulations, obligations provisos and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the reeve and the clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered In the presence of:

JOHN BROWN.

JOHN BROWN.

JAMES J., FITZGERALD.

B. M. F. McKellar.

THOS. CLARK.

MARY GRANT, Clerk.

HENRY A. EVERETT, President.

C. E. A. CARR, Secretary. Corporate
Seal
London
Township
Council.

Corporate Seal, The London Street Railway Company.



5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act respecting the London Street Railway Company.

First Reading, 23rd January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Leys.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

## An Act respecting the Village of Point Edward.

HEREAS the Municipal Corporation of the Village of Preamble. Point Edward has by petition represented that, being desirous of increasing the shipping and manufacturing business of the said village, and thereby materially advancing its in-5 terests, an agreement has been entered into between the said municipal corporation and G. A. Crosby and Company of Ontario, Limited, a copy of which said agreement is set forth in Schedule A to this Act for the construction and operation of a manufactory in said village upon the terms and conditions 10 in the said Schedule A set forth; that the said municipal corporation has agreed to aid the said G. A. Crosby and Company of Ontario, Limited, in the erection of the said manufactory by granting a bonus of \$10,000.00 towards the cost thereof and by granting certain exemptions from taxes, as set 15 forth in the said Schedule A, and that for the purposes aforesaid a by-law has been submitted to the ratepayers entitled to vote thereon under the provisions of The Municipal Act, and has received the assent of a large majority of the said ratepayers, 211 having voted for the said by-law out of a total 20 number of 230 ratepayers qualified to vote thereon, and no ratepayer having voted against the same, and the said by-law has been finally passed by the said municipal corporation; and whereas the said municipal corporation has by petition represented that being desirous of further increasing the shipping and manufac-25 turing business of the said village and thereby materially advancing its interests, the said municipal corporation has also entered into an agreement with the Botsford Jenks Company of Port Huron, Michigan, for the construction and operation of a steel grain elevator of one million bushels capacity in the 30 said village upon the terms and conditions contained in the bylaw, a copy of which is set forth in Schedule B to this Act, and that the said municipal corporation has agreed to aid the said The Botsford Jenks Company of Port Huron, Michigan, in the erection of the said grain elevator by granting certain 35 exemptions from taxation and by fixing the assessment for school purposes as set forth in the said by-law, Schedule B; and that the said by-law, Schedule B, has been duly submitted to the said ratepayers of the said village entitled to vote thereon under the provisions of the said Municipal Act 40 and has received the assent of a large majority of the said ratepayers, 212 having voted for the said by-law and only one against the same, and the said by-law has been finally passed

by the said municipal corporation; and whereas it appears by the said petition that the said G. A. Crosby and Company, of Ontario, Limited, has expended about the sum of \$100,000 on the said manufactory, and is employing 160 men in and about the said work in the said village, and that the said The 5 Botsford Jenks Company of Port Huron, Michigan, has commenced the work of constructing the said grain elevator; and whereas the said municipal corporation has by its petition prayed that the said respective agreements and by-laws may be confirmed and declared legal and valid, and that the said 10 municipal corporation may be authorized and empowered to issue debentures for the said sum of \$10,000, as provided in the said by law, to aid the said G. A. Crosby and Company of Ontario, Limited, and to grant to the said respective companies the exemptions from payment of taxes, and the other rights 15 and privileges set forth in the said respective by-laws, Schedules A and B to this Act. And whereas no opposition by or on behalf of any ratepayer has been offered to the said petition;

Therefore His Majesty, by and with the advice and consent 20 of the Legislative Assembly of the Province of Ontario, enacts as follows.—

Agreement confirmed.

1. The agreement referred to in the above preamble and set forth in Schedule A to this Act is hereby ratified, confirmed and made valid, in the same manner and to the same extent, 25 as if set out and incorporated in this Act.

By laws confirmed.

- 2. The said by-laws of the said corporation, of the Village of Point Edward set out in Schedules A and B to this Act are each hereby confirmed and declared to be valid and to be binding upon the corporation of the said Village and 30 the ratepayers thereof to the same extent as if set out and incorporated in this Act notwithstanding anything in any Act to the contrary.
- 3. The said municipal corporation is hereby authorized and empowered to borrow the said sum of \$10,000 and to issue 35 debentures therefor repayable in the manner and for the amounts set forth in the said by-law Schedule A to this Act.

#### SCHEDULE A.

#### By-Law No. 182.

Provisionally passed this first day of June A. D., 1901.

A by-law to raise the sum of ten thousand dollars for the purpose of assisting by way of bonus "G. A. Crosby and Company of Ontario, Limited" to aid in the construction and operation of a manufactory within the village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals and to issue debentures there-

for and to authorize the levying of a special rate for the payment of said debentures and interest, and to regulate the assessment of the property of the said Company.

And whereas the said "G. A. Crosby and Company of Ontario, Limited, have proposed to establish a factory at the Village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals, and to expend a large sum of money in the construction and operation of said factory, and to employ a large number of hands not less at any time than fifty men continuously in the operation of the said plant and works, upon receiving from the said Village the bonus and exemption from taxation hereinafter mentioned.

And whereas the corporation of the Village of Point Edward is desirous of aiding the said company in the construction and operation of a manufactory for the manufacture of machinery and of goods and wares manufactured from metals by granting to said company a bonus of ten thousand dollars, and exempt the property of the said company from assessment for general purposes and fix the assessment on which school rates should be paid for twenty years on the conditions and stipulations hereinafter contained, and for the purpose of raising such bonus monies, intends by this by-law to create a debt upon the said corporation of ten thousand dollars with interest thereon at a rate of two and a half per cent. per annum by the issue of debentures to the amount of ten thousand dollars payable as hereinafter provided.

And whereas the municipal council of the said Village have determined that the said debentures shall be payable in annual instalments within twenty years from the day on which this by-law takes effect, such instalments to be of such amounts that the aggregate amount payable for principal and interst shall be the same in each year of said term of twenty years.

And whereas the whole rateable property of the said Village of Point Edward according to the last revised assessment roll for said Village is the sum of \$183,020,00.

And whereas there is no existing debt of the said Village of Point Edward secured by debenture.

And whereas for paying off said principal sum of ten thousand dollars and interest at the rate aforesaid it will be necessary to raise in the several years hereinafter mentioned the following sums, that is to say:—

Year.	Interest.	Principal.	Total.
1902	\$250.00	\$391.47	\$641.47
1903	240 21	401 26	641 47
1904	230 18	411 29	641 47
1905	219 90	421 57	641 57
1906	209 36	432 11	641 47
1907	198 56	442 91	641 47
1908	187 48	453 99	641 47
1909	176 13	465 34	641 47
1910	164 50	476 97	641 47
1911	152 58	488 89	641 47
1912	140 38	501 12	641 47
1913	127 83	513 64	641 47
1914	114 98	526 49	641 47
1915	101 82	539 65	641 47
1916	88 33	553 14	641 47
1917	74 50	566 97	641 47
1918	60 33	581 14	641 47
1919	45 80	595 67	641 47
1920	30 91	610 56	641 47
1921	15 65	625 82	641 47
	\$2829 40	<b>\$</b> 1000 00	\$12829 40

being the aggregate amount for principal and interest to be paid in each and every year according to the statute in such case made and provided.

Therefore the Municipal Council of the Village of Point Edward enacts as follows:—

- 1. It shall and may be lawful for the corporation of the Village of Point Edward to aid and assist the said G. A. Crosby and Company of Ontario Limited, by giving the said company ten thousand dollars by way of bonus to aid in the construction and operation of said manufactory, provided always that the said company before being entitled to be paid over said sum, have the said manufactory constructed and fully complete and in active running operation, employing at least fifty men and subject to the further provisions hereinafter set out.
- 2. It shall be lawful for the Reeve of said Village of Point Edward to borrow for the purpose aforesaid the said sum of ten thousand dollars and issue debentures of the said municipality to the amount of twelve thousand eight hundred and twenty-nine dollars and forty cents being the total amount of the said amount authorized to be borrowed as aforesaid, in sums of not less than six hundred and forty-one dollars and forty-seven cents each, payable in the manner and for the amounts and at the time respectively set forth in the above recitals to this by-law, such debentures to be issued upon this by-law being confirmed by the legislature of the Province of Ontario.
- 3. The said debentures shall be payable at the office of the Treasurer of the said Village.
- 4. It shall be lawful for the Reeve of the said municipality, and he is hereby authorized and instructed to sign and issue said debentures hereby authorized to be issued, and cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures,
- 5. Separate debentures shall be issued for the total sum so payable each year for principal and interest namely \$641.47 and shall be payable on the 31st day of December in each year.
- 6. There shall be raised and levied in each year by a special rate on all the rateable property in said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same becomes respectively payable, according to the provisions of this by-law.
- 7. The said sum of ten thousand dollars when raised as aforesaid shall upon the said company completing said manufactory and having it in active operation, employing at least fifty men, be paid to the said company.
- 8. The real and personal property of the said company, its successors and assigns, within the village used in connection with its said business now, or hereafter acquired, (not however including any dwelling property) shall be exempt from all assessment and taxes except for assessment and taxes for school purposes for twenty years from the first day of July, 1901, and the assessment for school purposes shall be and is hereby fixed, during said twenty years, at an annual assessment of \$5,000.00:
- 9. That the said bonus of ten thousand dollars is given to the said company and the adjustment of the assessment of the said company's property within the said village is given and made upon the following conditions provioses and stipulations.
- (a) That the said company shall, before becoming entitled to be paid said bonus or have the assessment of its property fixed as aforesaid, have constructed and completed, a manufactory within the said village for the manufacture of machinery and of goods and wares manufactured from metals and in active operation, employing in the conduct of its business and manufacturing operations within the said village at least fifty men.
- (b) That not less than fifty men shall be continually employed by said company in the operation of its said plant within the village, provided however that should it become necessary for the company to temporarily shut down by reason of the works being injured by fire or by any other

event beyond the control of the company it shall not be necessary for the company to employ said number of men whilst being so temporarily shut down.

- (c) That the workmen employed by the company in carrying on its said works, shall as far as possible, be residents of the Village of Point Edward.
- (d) The said company and James Lewis Board, and one of the Board of Directors thereot, shall undertake with and guarantee to the said corporation of the Village of Point Edward that in the event of the said company its successors or assigns closing its works or ceasing to employ at its works in Point Edward fifty men continually, unless for a temporary per od or periods for causes beyond its control, the said company, its successors and assigns and the said James Lewis Board shall deliver up to the said corporation of the Village of Point Edward all debentures then outstanding and unpaid for cancellation, or shall then pay to the said corporation such an amount as shall be sufficient to meet said unpaid debentures as the same fall due, in the option of the said company, its successors and assigns and the said James Lewis Board.

And in the event of the said company closing its works or ceasing to employ at its works in Point Edward fifty men continuously unless for a temporary period or periods for causes beyond its control, then the provisions in this by-law for exemption from taxation and for fixing the assessment for school purposes shall become void and of no effect.

- 10. That none of the provisions of this by-law (if any) which are beyond the jurisdiction of the said council to enact shall come into force or operation until it is confirmed by an Act of the Legislature of the Province of Ontario, which Act the said company shall, at its own expense, procure to be passed at the next sittings of said Legislature, and the said municipal corporation shall join with the company in procuring such legislation.
- 11. This by-law shall not be binding on the said corporation or the said bonus be paid or debentures delivered over unless and until an agreement which shall legally bind the said company and the said James Lewis Board to comply with, observe and perform all the agreements, obligations, terms and conditions herein provided to be by the said company and the said James Lewis Board, or either of them, to be undertaken, observed or performed.
- 12. The votes of the ratepayers of the said municipality qualified to vote on money by-laws shall be taken on this by-law in the several polling divisions appointed in said village for electoral purposes, and for that purpose the following persons shall be deputy returning officers, and the following shall be the polling places for the taking of votes:—

Polling sub-division No 1, at Oddfellows' Hall, Deputy Returning Officer John McCleister.

Polling sub-division No. 2, at Council Chamber, Returning Officer John F. O'Neill.

13. All such votes shall be taken on Thursday, the fourth day of July, A.D. 1901, at said several places named for votes to be taken in said several polling sub-divisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and the clerk of the said village shall on the fifth day of July, 1901, at the hour of noon in the council chamber in the village sum up the number of votes for and against the said by-law, and on the third day of July, A.D. 1901, at the hour of noon at the place last mentioned the reeve of the said village shall appoint in writing, signed by him, two persons to attend on the final summing up of the votes and one person to attend at each poling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

Finally passed 5th day of August, A.D. 1901.

J. F. O'NEIL, Clerk. W. O. PARSONS, Reeve.

### SCHEDULE B.

### By-LAW No. 186.

A by-law to exempt the Botsford-Jenks Company, of Port Huron, Michigan, from payment of Municipal Taxes excepting School Taxes.

Whereas the Botsford-Jenks Company of Port Huron, Michigan, has proposed to erect in the Village of Point Edward, in the County of Lambton, a steel elevator of one million bushels capacity, and the necessary plant connected therewith for the purposes of elevating, shipping and storing grain.

And whereas in the opinion of the council of the Corporation of the Village of Point Edward it is expedient in the interests of the said village, to partially exempt from taxation, the said Botsford-Jenks Company of Port Huron, Michigan.

Therefore the Municipal Council of the Corporation of the Village of Point Edward enacts as follows:—

- 1. That for and during the term of ten years from the final passing of this by-law, the following described lands in the Village of Point Edward, in the County of Lambton, namely: - Commencing at a point two thousand five hundred and sixty-seven feet southerly from the south boundary of Michigan Avenue on a line drawn at right angles to the said south boundary of Michigan Avenue, said right angled line being three hundred and thirty-two feet, westerly measured along the said south boundary of Michigan avenue from the west limit of the unnumbered lot, Block A. on the south side of Michigan avenue. All the above particulars have reference to a plan and survey made by Geo. Robinson, P.L. ., in August, 1871, of the Village of Huron, which is now called the Village of Point Edward, Then proceeding from aforesaid point of commencement at an angle of seventy-four degrees and forty-four minutes west from aforesaid right angled line produced, a distance of five hundred feet to the westerly face of the present crib work of dock, thence at right angles to the said last course along face of said doct three hundred feet, thence at right angles to last course five hundred feet, thence in a direct line three hundred feet to the place of beginning, containing one hundred and fifty thousand square fee, together with the elevator to be erected thereon and all buildings, machinery, plant, land and personal property used in connection with said elevator, and all other land, buildings, plant, machinery and personal property, which during the said period or any renewal thereof may be used by the said The Botsford-Jenks Company of Port Huron, Michigan, or its assigns, in connection with or employed in connection with the elevator business and the said business of elevating, shipping and storing grain, be, and the same is hereby exempted from all municipal taxation, upon all assessments upon the said real and personal property during the said period of ten years except for school purposes only.
- 2. That the assessment of the Botsford-Jenks Company of Port Huron, Michigan, for school purposes upon the said real and personal property be and the same is hereby fixed at the sum of twenty thousand dollars for the said period of ten years from the final passing of this by-law, and for any renewal thereof, and it is distinctly understood and agreed that no taxes, special or otherwise, except for school purposes only, shall be levied upon the said premises and persona! property, and that the said assessment shall not be increased during the said period of ten years or any renewal thereof.
- 3. Provided that it shall be competent for the said municipal council in its discretion by by-law to grant a renewal of such exemption and of such assessment fixed at the sum of twenty thousand dollars for a further period not exceeding ten years from the expiration of the said term of ten years fixed by this by-law.
- 4. Provided also that it shall be competent for the said The Botsford-Jenks Company of Port Huron, Michigan, to assign its rights under this by-law to a company to be incorporated for the carrying on of the like

business at the said village of Point Edward, or to an individual or individuals for the same purpose, and that in case of any such assignment being made, the benefit of all the provisions of this by-law shall extend to the said incorporated company, individual or individuals.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers herein named on Saturday, the 7th day of December, 1901, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the undermentioned places:—

Polling Subdivision No. 1 at Oddfellows' Hall, by John Mara, D.R.O. Polling subdivision No. 2 at council chamber by John F. O'Neil, D.R.O. On Saturday, the 30th day of November, 1901, at the said council chamber, in the village of Point Edward, at 10 o'clock in the forenoon, the reeve shall appoint in writing, signed by himself, two persons to attend to the final summing up of the votes by the clerk of said corporation and one person to attend at each of said polling places on behalf of persons interested in and desirous of promoting the passage of this by-law respectively. The said clerk shall attend at the council chamber of said municipality at the hour of ten o'clock in the forenoon of Monday, the 9th day of December, 1901, to sum up the number of votes given for and against this by-law.

6. This by-law shall take effect from and after the day of final passing thereof, provided that said by law shall have received the assent of the ratepayers of the said village as provided by the statute in that behalf.

Finally passed this 16th day of December, 1901.

J. F. O'NEIL, Clerk. W. O. PARSONS, Reeve.

. No. 18.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Village of Point Edward.

First Reading, , 1902.

(Private Bill.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Village of Point Edward.

THEREAS the Municipal Corporation of the Village of Preamble. Point Edward has by petition represented that, being desirous of increasing the shipping and manufacturing business of the said village, and thereby materially advancing its interests, an agreement has been entered into between the said municipal corporation and G. A. Crosby and Company of Ontario, Limited, a copy of which said agreement is set forth in Schedule A to this Act for the construction and operation of a manufactory in said village upon the terms and conditions in the said Schedule A set forth; that the said municipal corporation has agreed to aid the said G. A. Crosby and Company of Ontario, Limited, in the erection of the said manufactory by granting a bonus of \$10,000.00 towards the cost thereof and by granting certain exemptions from taxes, as set forth in the said Schedule A, and that for the purposes aforesaid a by-law has been submitted to the ratepayers entitled to vote thereon under the provisions of The Municipal Act, and has received the assent of a large majority of the said ratepayers, 211 having voted for the said by-law out of a total number of 230 ratepayers qualified to vote thereon, and no ratepayer having voted against the same, and the said by-law has been finally passed by the said municipal corporation; and whereas the said municipal corporation has by petition represented that being desirous of further increasing the shipping and manufacturing business of the said village and thereby materially advancing its interests, the said municipal corporation has also entered into an agreement with The Botsford Jenks Company of Port Huron, Michigan, for the construction and operation of a steel grain elevator of one million bushels capacity in the said village upon the terms and conditions contained in the bylaw, a copy of which is set forth in Schedule B to this Act, and that the said municipal corporation has agreed to aid the said The Botsford Jenks Company of Port Huron, Michigan, in the erection of the said grain elevator by granting certain exemptions from taxation and by fixing the assessment for school purposes as set forth in the said by-law, Schedule B: and that the said by-law, Schedule B, has been duly submitted to the said ratepayers of the said village entitled to vote thereon under the provisions of The Municipal Act and has received the assent of a large majority of the said ratepayers, 212 having voted for the said by-law and only one against the same, and the said by-law has been finally passed

by the said municipal corporation; and whereas it appears by the said petition that the said G. A. Crosby and Company, of Ontario, Limited, has expended about the sum of \$100,000 on the said manufactory, and is employing 160 men in and about the said work in the said village, and that the said The Botsford Jenks Company of Port Huron, Michigan, has commenced the work of constructing the said grain elevator; and whereas the said municipal corporation has by its petition prayed that the said respective agreements and by-laws may be confirmed and declared legal and valid, and that the said municipal corporation may be authorized and empowered to issue debentures for the said sum of \$10,000, as provided in the said by-law, to aid the said G. A. Crosby and Company of Ontario, Limited, and to grant to the said respective companies the exemptions from payment of taxes, and the other rights and privileges set forth in the said respective by-laws, Schedules A and B to this Act; and whereas no opposition by or on behalf of any ratepayer has been offered to the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

Agreement confirmed.

1. The agreement referred to in the above preamble and set forth in Schedule A to this Act is hereby ratified, confirmed and made valid, in the same manner and to the same extent, as if set out and incorporated in this Act.

By laws confirmed.

- 2. The said by-laws of the said Corporation, of the Village of Point Edward set out in Schedules A and B to this Act are each hereby confirmed and declared to be valid and to be binding upon the corporation of the said village and the ratepayers thereof to the same extent as if set out and incorporated in this Act notwithstanding anything in any Act to the contrary.
- 3. The said municipal corporation is hereby authorized and empowered to borrow the said sum of \$10,000 and to issue debentures therefor repayable in the manner and for the amounts set forth in the said by-law Schedule A to this Act.
- in this Act written, the said by-laws or agreements shall not be deemed to authorize the waiver or remission of rates for school purposes or any exemptions in respect thereof.

### SCHEDULE A.

By-Law No. 182.

Previsionally passed this first day of June A. D., 1901.

A by-law to raise the sum of ten thousand dollars for the purpose of assisting by way of bonus "G. A. Crosby and Company of Ontario, Limi-

ted" to aid in the construction and operation of a manufactory within the village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals and to issue debentures therefor and to authorize the levying of a special rate for the payment of said debentures and interest, and to regulate the assessment of the property of the said Company.

And whereas the said "G. A. Crosby and Company of Ontario Limited, have proposed to establish a factory at the Village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals, and to expend a large sum of money in the construction and operation of said factory, and to employ a large number of hands not less at any time than fifty men continuously in the operation of the said plant and works, upon receiving from the said Village the bonus and exemption from taxation hereinafter mentioned.

And whereas the corporation of the Village of Point Edward is desirous of aiding the said company in the construction and operation of a manufactory for the manufacture of machinery and of goods and wares manufactured from metals by granting to said company a bonus of ten thousand dollars, and exempt the property of the said company from assessment for general purposes and fix the assessment on which school rates should be paid for twenty years on the conditions and stipulations hereinafter contained, and for the purpose of raising such bonus monies, intends by this by-law to create a debt upon the said corporation of ten thousand dollars with interest thereon at the rete of two and a half per cent. per annum by the issue of debentures to the amount of ten thousand dollars payable as hereinafter provided.

And whereas the municipal council of the said Village have determined that the said debentures shall be payable in annual instalments within twenty years from the day on which this by law takes effect, such instalments to be of such amounts that the aggregate amount payable for principal and interst shall be the same in each year of said term of twenty years.

And whereas the whole rateable property of the said Village of Point Edward according to the last revised assessment roll for said Village is the sum of \$183,020.00.

And whereas there is no existing debt of the said Village of Point Edward secured by debenture.

And whereas for paying off said principal sum of ten thousand dollars and interest at the rate aforesaid it will be necessary to raise in the several years hereinafter mentioned the following sums, that is to say:—

Year.	Interest.	Principal.	Total.
1902	\$250.00	\$391.47	\$641.47
1903	240 21	401 26	641 47
1904	230 18	411 29	641 47
1905	219 90	421 57	641 47
1906	209 36	432 11	641 47
1907	198 56	442 91	641 47
1908	187 48	453 99	641 47
1909	176 13	465 34	641 47
1910	164 50	476 97	641 47
1911	152 58	488 89	641 47
1912	140 35	501 12	641 47
1913	127 83	513 64	641 47
1914	114 98	526 49	641 47
1915	101 82	539 65	641 47
1916	88 33	553 14	641 47
1917	74 50	566 97	641 47
19:8	60 33	581 14	641 47
1919	45 80	595 67	641 47
1920	30 91	610 56	641 47
1921	15 65	625 82	641 47
	\$2829 40	<b>\$1000 00</b>	\$12829 40

being the aggregate amount for principal and interest to be paid in each and every year according to the statute in such case made and provided.

Therefore the Municipal Council of the Village of Point Edward enacts as follows:—

- 1. It shell and may be lawful for the corporation of the Village of Point Edward to aid and assist the said G. A. Crosby and Company of Ontario Limited, by giving the said company ten thousand dollars by way of bonus to aid in the construction and operation of said manufactory, provided always that the said company shall before being entitled to be paid oversaid sum, have the said manufactory constructed and fully complete and in active running operation, employing at least fifty men and subject to the further provisions hereinafter set out.
- 2. It shall be lawful for the Reeve of said Village of Point Edward to borrow for the purpose aforesaid the said sum of ten thousand dollars and issue debentures of the said municipality to the amount of twelve thousand eight hundred and twenty-nine dollars and forty cents being the total amount of the said amount authorized to be borrowed as aforesaid, in sums of not less than six hundred and forty-one dollars and forty-seven cents each, payable in the manner and for the amounts and at the time respectively set forth in the above recitals to this by-law, such debentures to be issued upon this by-law being confirmed by the legislature of the Province of Ontario.
- 3. The said debentures shall be payable at the office of the Treasurer of the said Village.
- 4 It shall be lawful for the Reeve of the said municipality, and he is hereby authorized and instructed to sign and issue said debentures hereby authorized to be issued, and cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures,
- 5. Separate debentures shall be issued for the total sum so payable each year for principal and interest namely \$641.47 and shall be payable on the 31st day of December in each year.
- 6. There shall be raised and levied in each year by a special rate on all the rateable property in said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same becomes respectively payable, according to the provisions of this by-law.
- 7. The said sum of ten thousand dollars when raised as aforesaid shall upon the said company completing said manufactory and having it in active operation, employing at least fifty men, be paid to the said company.
- 8 The real and personal property of the said company, its successors and assigns, within the village used in connection with its said business now, or hereafter acquired, (not however including any dwelling property) shall be exempt from all assessment and taxes except for assessment and taxes for school purposes for twenty years from the first day of July, 1901, and the assessment for school purposes shall be and is hereby fixed, during said twenty years, at an annual assessment of \$5,000.00:
- 9. That the said bonus of ten thousand dollars is given to the said company and the adjustment of the assessment of the said company's property within the said village is given and made upon the following conditions provious and stipulations.
- (a) That the said company shall, before becoming entitled to be paid said bonus or have the assessment of its property fixed as aforesaid, have constructed and completed, a manufactory within the said village for the manufacture of machinery and of goods and wares manufactured from metals and in active operation, employing in the conduct of its business and manufacturing operations within the said village at least fifty men.
- (b) That not less than fifty men shall be continuously employed by said company in the operation of its said plant within the village, provided however that should it become necessary for the company to temporarily shut down by reason of the works being injured by fire or by any other

event beyond the control of the company it shall not be necessary for the company to employ said number of men whilst being so temporarily shut down.

- (c) That the workmen employed by the company in carrying on its said works, shall as far as possible, be residents of the Village of Point Edward.
- (d) The said company and James Lewis Board, one of the Board of Directors thereot, shall undertake with and guarantee to the said corporation of the Village of Point Edward that in the event of the said company its successors or assigns closing its works or ceasing to employ at its works in Point Edward fifty men continuously, unless for a temporary period or periods for causes beyond its control, then the said company, its successors and assigns and the said James Lewis Board shall deliver up to the said corporation of the Village of Point Edward all debentures then outstanding and unpaid for cancellation, or shall then pay to the said corporation such an amount as shall be sufficient to meet said unpaid debentures as the same fall due, in the option of the said company, its successors and assigns and the said James Lewis Board.

And in the event of the said company closing its works or ceasing to employ at its works in Point Edward fifty men continuously unless for a temporary period or periods for causes beyond its control, then the provisions in this by-law for exemption from taxation and for fixing the assessment for school purposes shall become void and of no effect.

- 10. That none of the provisions of this by-law (if any) which are beyond the jurisdiction of the said council to enact shall come into force or operation until it is confirmed by an Act of the Legislature of the Province of Ontario, which Act the said company shall, at its own expense, procure to be passed at the next sittings of said Legislature, and the said municipal corporation shall join with the company in procuring such legislation.
- 11. This by-law shall not be binding on the said corporation or the said bonus be paid or debentures delivered over unless and until an agreement which shall legally bind the said company and the said James Lewis Board to comply with, observe and perform all the agreements, obligations, terms and conditions herein provided to be by the said company and the said James Lewis Board, or either of them, to be undertaken, observed or performed.
- 12. The votes of the ratepayers of the said municipality qualified to vote on money by-laws shall be taken on this by-law in the several polling divisions appointed in said village for electoral purposes, and for that purpose the following persons shall be deputy returning officers, and the following shall be the polling places for the taking of votes:—

Polling sub-division No 1, at Oddfellows' Hall, Deputy Returning Officer John McCleister.

Polling sub-division No. 2, at Council Chamber, Returning Officer John F. O'Neill.

13. All such votes shall be taken on Thursday, the fourth day of July, A.D. 1901, at said several places named for votes to be taken in said several polling sub-divisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and the clerk of the said village shall on the fifth day of July, 1901, at the hour of noon in the council chamber in the village sum up the number of votes for and against the said by-law, and on the third day of July, A.D. 1901, at the hour of noon at the place last mentioned the reeve of the said village shall appoint in writing, signed by him, two persons to attend on the final summing up of the votes and one person to attend at each pol'ing place on behalf of the persons interested in and desirous of promoting the passing of this by-law and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

Finally passed 5th day of August, A.D. 1901.

J. F. O'NEIL, Clerk. W. O. PARSONS, Reeve.

### SCHEDULE B.

### By-LAW No. 186.

A by-law to exempt the Botsford-Jenks Company, of Port Huron, Michigan, from payment of Municipal Taxes excepting School Taxes.

Whereas the Botsford-Jenks Company of Port Huron, Michigan, has proposed to erect in the Village of Point Edward, in the County of Lambton, a steel elevator of one million bushels capacity, and the necessary plant connected therewith for the purposes of elevating, shipping and storing grain.

And whereas in the opinion of the council of the Corporation of the Village of Point Edward it is expedient in the interests of the said village, to partially exempt from taxation, the said *The* Botsford-Jenks Company of Port Huron, Michigan.

Therefore the Municipal Council of the Corporation of the Village of Point Edward enacts as follows:—

- 1. That for and during the term of ten years from the final passing of this by-law, the following described lands in the Village of Point Edward, in the County of Lambton, namely: -Commencing at a point two thousand five hundred and sixty-seven feet southerly from the south boundary of Michigan Avenue on a line drawn at right angles to the said south boundary of Michigan Avenue, said right angled line being three hundred and thirty-two feet, westerly measured along the said south boundary of Michigan avenue from the west limit of the unnumbered lot, Block A. on the south side of Michigan avenue. All the above particulars have reference to a plan and survey made by Geo. Robinson, P.L.S., in August, 1871, of the Village of Huron. which is now called the Village of Point Edward, Then proceeding from aforesaid point of commencement at an angle of seventy-four degrees and forty-four minutes west from aforesaid right angled line produced, a distance of five hundred feet to the westerly face of the present crib work of dock thence at right angles to the said last course along face of said doc' three hundred feet, thence at right angles to last course five hundred feet, thence in a direct line three hundred feet to the place of beginning, containing one hundred and fifty thousand square fee, together with the elevator to be erected thereon and all buildings, machinery, plant, land and personal property used in connection with said elevator, and all other land, buildings, plant, machinery and personal property, which during the said period or any renewal thereof may be used by the said The Botsford-Jenks Company of Port Huron, Michigan, or its assigns, in connection with or employed in connection with the elevator business and the said business of elevating, shipping and storing grain, be, and the same is hereby exempted from all municipal taxation, upon all assessments upon the said real and personal property during the said period of ten years except for school purposes only.
- 2. That the assessment of The Botsford Jenks Company of Port Huron, Michigan, for school purposes upon the said real and personal property be and the same is hereby fixed at the sum of twenty thousand dollars for the said period of ten years from the final passing of this by law, and for any renewal thereof, and it is distinctly understood and agreed that no taxes, special or otherwise, except for school purposes only, shall be levied upon the said premises and personal property, and that the said assessment shall not be increased during the said period of ten years or any renewal thereof.
- 3. Provided that it shall be competent for the said municipal council in its discretion by by-law to grant a renewal of such exemption and of such assessment fixed at the sum of twenty thousand dollars for a further period not exceeding ten years from the expiration of the said term of ten years fixed by this by-law.
- 4. Provided also that it shall be competent for the said The Botsford-Jenks Company of Port Huron, Michigan, to assign its rights under this by-law to a company to be incorporated for the carrying on of the like

business at the said village of Point Edward, or to an individual or individuals for the same purpose, and that in case of any such assignment being made, the benefit of all the provisions of this by-law shall extend to the said incorporated company, individual or individuals.

5. The votes of the qualified electors of this municipality shall be taken on this by—law by the deputy returning officers herein named on Saturday, the 7th day of December, 1901, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the undermentioned places:—

Polling Subdivision No. 1 at Oddfellows' Hall, by John Mara, D.R.O. Polling subdivision No. 2 at council chamber by John F. O'Neil, D.R.O. On Saturday, the 30th day of November, 1901, at the said council chamber, in the village of Point Edward, at 10 o'clock in the forenoon, the reeve shall appoint in writing, signed by himself, two persons to attend to the final summing up of the votes by the clerk of said corporation and one person to attend at each of said polling places on behalf of persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons in erested in and desirous of opposing the passing of this by-law respectively. The said clerk shall attend at the council chamber of said municipality at the hour of ten o'clock in the forenoon of Monday, the 9th day of December, 1901, to sum up the number of votes given for and against this by-law.

6. This by-law shall take effect from and after the day of final passing thereof, provided that said by law shall have received the assent of the ratepayers of the said village as provided by the statute in that behalf.

Finally passed this 16th day of December, 1901.

J. F. O'NEIL, Clerk.

W. O. PARSONS, Reeve.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# рітт

An Act respecting the Village of Point Edward.

First Reading, 28th January, 1902.

(Reprinted as amended in Private Bills Committee.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### An Act to Incorporate The Ontario Electric Company.

WHEREAS the Honorable Sir Richard J. Cartwright, G. C. M. G., of the city of Ottawa; Albert J. Jewell, of the city of Boston, banker, Cornelius Bermingham of the City of Kingston, manufacturer; Robert J. Carson of the City of 5 Kingston, merchant; Horace N. Smith of the City of Salem manufacturer; George E. Smith of the City of Boston, electrician, and John Carson of the City of Kingston, merchant, have by their petition prayed for an Act of incorporation under the name of the Ontario Electric Company, for the 10 purpose of constructing and operating by electricity, com-

pressed air or any other motive power except steam, a railway from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwards-15 burgh, Augusta Elizabethtown, Yonge, Escott, Lansdowne,

Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurston, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Dar-

lington, East Whitby, West Whitby, Pickering, Scarborough, 20 East York and West York, and in its course through said Townships passing through or touching at any or all of the various incorporated cities, towns and villages lying in its route, and also from a point in or near the Town of Brockville and connecting with the above line, and passing through

25 the Townships of Nepean, North Gower, Marlborough, Oxford, Walford, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touchng at any or all of the various incor-

porated towns and villages lying in its route, with power to 30 build branches or extensions from the said main lines not exceeding in each case thirty miles; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, en-35 acts as follows:-

1. The said Hon. Sir Richard J. Cartwright, G. C. M. G., Albert L. Jewell, Cornelius Bermingham, Robert J. Carson, Incorpor-Horace N. Smith, George E, Smith and John Carson and ation. such other persons, firms and corporations as shall hereafter

become shareholders of the said company are hereby constituted a body corporate and politic under the name of The Ontario Electric Company.

Location of line.

2. The said company and their servants and agents are hereby authorized and empowered to survey, layout, construct, 5 complete, equip, maintain and operate by electricity, or compressed air, or any other motive power except steam, or partly by one and partly by the other, and from time to time to alter, remove and change a double or single or partly double and single track iron or steel railway of the gauge of four feet, 10 eight and a half inches, with all the necessary branches, switches, side tracks and turn outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of 15 Cornwall, Onsabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta, Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, 20 West Whitby, Pickering, Scarborough, East York and West York, and in its course through said townships passing through or touching at any and all the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa, to a point in or near the 25 Town of Brockville and connecting with the above line and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Walford, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any 30 or all the various incorporated cities, towns and villages lying in its route, with power to build and operate part or branch of the said railway in sections, and operate branches or with power to build extensions from the said main line not exceeding in each case 35 30 miles. The said railway may be carried along and upon such streets and highways and bridges and railway tracks or lines as may be authorized by the by-laws of the respective corporations owning or having jurisdiction over the same, and subject to such restrictions therein or herein contained, and 40 under and subject to any agreements hereafter to be made between the council of any of the said municipal corporations or any of the said other corporations respectively, and the said company may take, transport and carry passengers, goods, freight, express and mail matter over the same, and may 45 acquire, construct and maintain all necessary works, buildings, appliances and conveniences therewith, and take and use the lands necessary for such purposes, subject to the conditions and restrictions contained in The Electric Railway Act.

Power given to municipality through which the said 50 railway passes, having jurisdiction over any highway, may

pass a by-law or by-laws empowering the said company to ties and others make their road and lay their track, and operate their railway of way. along such highway and any individual firm or corporation owning any road or bridge or land over or along which it is de-5 sired to carry the said railway, may grant the right to said company to make their road and lay their track and operate their

- railway over and along the same, and such council, individual, firm and corporation and the said railway company are empowered to enter into such mutual agreements respectively relating 10 thereto, and upon such terms as to them seem just and proper.
- 4. The Honorable Sir Richard J. Cartwright, Albert L. Provisional Directors. Jewell, Cornelius Bermingham, Robert J. Carson, Horace N. Number of Smith, George E. Smith and John Carson shall be and are here-Directors. by constituted a board of provisional directors of the said 15 company, of whom a majority shall be a quorum and shall hold office as such until the other directors shall be appointed under the provisions of The Electric Railway Act.

- 5. The number of directors shall not be less than five or Number of dimore than nine.
- 6. The head office of the said company shall be at the City Head Office. of Kingston, and all meetings of the provisional board of directors of the company shall be held at the City of Kingston.
  - 7. The capital stock of the company shall be \$5,000,000, Capital stock to be divided into fifty thousand shares of \$100 each.
- 8. The date of the annual meeting of the shareholders shall annual meeting. be fixed by the by-laws of the said company.

9. The provisional directors or the elected directors may Directors empay, or agree to pay in paid up stock, or in the bonds of the powered to pay in stock.

which may be acquired as hereinafter provided, or to engineers or contractors, or for the right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or 35 other persons, who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be pro-

said company, such sums as they may deem expedient for the 30 purchase of the property and franchise of any other company,

visional or elected directors or not, and any agreement so made 40 shall be binding on the company.

- 10 The company may make special rates for the carriage Special rates of fruit, milk, and any other perishable goods.
- 11. The said company is hereby authorized and empowered Power to build to take and make the surveys and levels of the lands through tions.

which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of Section 27 of The Electric Railway Act, and to 5 deposit the same as required by the clauses of The Electric Railway Act and amendments thereto, with respect to the plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections 10 or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of The Electric Railway Act, and the amendments thereof applied to, included in or incor- 15 porated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof 20 and of its whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of The Electric Railway Act, and the amendments thereto with respect to 25 plans and surveys.

Power to operate road in

12. Whenever any section of the said railway, of not less than ten miles, has been completed, the company may give to the Commissioner of Public Works a notice as to it similar to that required by section 91 of The Electric Railway Act, and unless 30 ordered as provided by section 93 of said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

etc.

13. The said company shall have all the borrowing powers row by the issue of bonds, conferred by the provisions relating thereto in The Electric Railway Act, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$15,000 for each mile of the railway, and the power of issuing 40 such bonds, debentures or other securities may be exercised from time to time as said sections of ten miles or over are opened to the amount of \$15,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said 45 twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by The Electric Railwag Act, and to the said limit or amount of \$15,000 per mile of the rail- 50 way.

14. Notwithstanding any provision to the contrary in any Power to other Act, the company's railway may cross the railway of any railways. other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee 5 of the Privy Council of Canada, or may cross in any other manner agreed on with the said company or approved of and directed by the said Railway Committee.

15. The company may acquire and hold water powers and compressed rights and lands necessary for developing and utilizing the air, electricity, 10 same for the purpose of generating compressed air or electricity, generate. or any other motive power other than steam, and may also generate the same by steam for the purposes of the railway and may acquire and hold lands for the erection of power-houses, and may construct, maintain and operate the necessary works for 15 the production of compressed air, electricity and gas, or any other motive power, for the motive power of the said railway, and for lighting and heating the rolling stock and property of the company, and may sell or lease any such electricity or compressed air, or other motive power, not required for the 20 purposes aforesaid, to any person, firm or corporation, and in Rev. Stat. c. that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas 25 for Heat, Light or Power, and the company may acquire and

16. The said company shall have power to agree for con- Power to nections and making running arrangements with any com-agree for con-nections, run-30 pany or companies now or hereafter lawfully authorized to ning arrangeconstruct and operate a railway or railways to a point at or ments and near the railway hereby authorized, or to purchase and ac-other comquire any such railway operated by electricity or compressed panies. air, or other motive power other than steam, and property 35 rights and franchises of the company owing the same, and such companies are hereby empowered to make such agree-

ments and sales, if each company is lawfully empowered to do

hold any property necessary for the purposes mentioned in

this section.

so upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that 40 purpose, and it shall also be lawful for the said company to enterinto an agreement or agreements with such companies or any of them, if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the

45 sale or leasing or hiring any compressed air or electric or other motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefore if the arrangements and agreements shall be approved of by two-thirds 50 in value of the shareholders voted in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreements for using the said railway may and is hereby authorized to work the said railway in the same manner as if incorporated with their own line, but subject to any obligations attaching to the said railway and its operation in the hands of the former company.

Powers to make agreements with other companies as to power. 17. The said company shall have power to enter into any agreement with any other company or person for the purchase 10 leasing or hiring of power to run their compressed air or electric motors, or other motors, carriages or cars, or for lighting or heating them, or for any other purpose for which it may be required by the said company.

Application of Electric railway Act. 18. The several clauses of The Electric Railway Act and 15 of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistant with the express enactments hereof; and the expression, "this Act," 20 when used herein shall be understood to include the clauses of The Electric Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Power to hold land for parks.

19. Part K of sub-section 1 of section 9 of *The Electric Railway Act*, shall apply to the company, and be incorporated 25 with this Act with the following amendments namely: The figures 100 in the fourth line shall be altered to 300; and the words in sub-section 2 of section 9: "the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres" shall not apply to or limit the powers of 30 the company.

Preferential stock.

20. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

35



## BILL.

An Act to incorporate The Ontario Electric Company.

First Reading,

1902.

(Private bill.)

MR. GRAHAM.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King s Most Excellent Majesty

An Act to Incorporate The Ontario Electric Railway Company.

WHEREAS the Honorable Sir Richard J. Cartwright, G. Preamble. C. M. G., of the city of Ottawa; Albert L. Jewell, of the city of Boston, banker, Cornelius Bermingham of the City of Kingston. manufacturer; Robert J. Carson of the City of Kingston, merchant: Horace N. Smith of the City of Salem manufacturer; George E. Smith of the City of Boston, electrician, and John Carson of the City of Kingston, merchant, have by their petition prayed for an Act of inc rporation under the name of the Ontario Electric Railway Company, for the purpose of constructing and operating by electricity, compressed air or any other motive power approved of by the Commissioner of Public Works, except steam, a railway from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said Townships passing through or touching at any or all of the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa to a point in or near the Town of Brockville and connecting with the above line, and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Wolford, Augusta, Montague, Northand South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all of the various incorporated towns and villages lying in its route, with power to build branches or extensions from the said main lines not exceeding in each case thirty miles; such branches not to extend beyond the limits of the counties in which the aforesaid town-hips are situate and shall only be built after the approval of the Lieutenant-Governor-in-Council; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:-

Incorporation.. 1. The said Hon. Sir Richard J. Cartwright, G. C. M. G., Albert L. Jewell, Cornelius Bermingham, Robert J. Carson, Horace N. Smith, George E, Smith and John Carson and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Ontario Electric Railway Company."

Location of

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity, or compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, and from time to time to alter, remove and change a double or single or partly double and single track iron or steel railway of the gauge of four feet, eight and a half inches, with all the necessary branches, switches, side tracks and turn outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta, Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said townships passing through or touching at any and all the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa, to a point in or near the Town of Brockville and connecting with the above line and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Wolford, Augusta, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all the various incorporated cities, towns and villages lying in its route, with power to build and operate any part or branch of the said railway in sections, and with power to build and operate branches or extensions from the said main line not exceeding in each case 30 miles, with said branches not to extend beyond the limits of the counties in which the aforesaid townships are situate, and shall only be built after the approval of the Lieutenant-Governor-in-Council. The said railway may be carried along and upon such streets and highways and bridges as may be authorized by the by-laws of the respective corporations owning or having jurisdiction over the same, and subject to such restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the council of any of the said municipal corporations or any of the said other corporations respectively, subject to the conditions and restrictions contained in The Rev. Stat. subject to the conditions and restriction.

Electric Railway Act and in The Municipal Act and any Rev. Stat. c. 223.

3. The council of any municipality through which the said Power given railway passes, having jurisdiction over any highway, may, ties and others subject to the conditions and restrictions contained in The to grant right. Electric Railway Act and in The Mun cipal Act and any Act or of way. Acts amending the same, passa by-law or by-laws empowering the said company to make their road and lay their tracks along such highway and any individual firm or corporation owning any road or bridge or land over or along which it is desired to carry the said railway, may grant the right to said company to make their road and lay their track and operate their railway over and along the same, and such council, individual, firm and corporation and the said railway company are empowered to enter into such mutual agreements respectively relating thereto, and upon such terms as to them seem just and proper, subject to the terms of any agreement heretofore lawfully entered into between any municipality and any other railway company.

4. The Honorable Sir Richard J. Cartwright, Albert L. Provisional Jewell, Cornelius Bermingham, Robert J. Carson, Horace N. Directors. Smith, George E. Smith and John Carson shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the other directors shall be appointed under Rev. Stat. the provisions of The Electric Railway Act.

- 5. The number of directors shall not be less than five or Number of dimore than nine.
- 6. The head office of the said company shall be at the City Head Office. of Kingston, and all meetings of the provisional board of directors of the company shall be held at the City of Kingston.
- 7. The capital stock of the company shall be \$5,000,000, Capital stock. to be divided into fifty thousand shares of \$100 each.
- 8. The date of the annual meeting of the shareholders shall Annual meet be fixed by the by-laws of the said company.
- 9. The directors may enter into a contract or contracts with Directors emany individual, corporation or association of individuals for powered to the construction or equipment of a railway or any part thereof, pay in stock. including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the ser-

vices of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for the purpose of considering such matters.

Special rates on fruit, etc. \*\*10. The said company may take, transport and carry passengers, goods, freight, express and mail matter over their said railway and may acquire, construct and maintain all necessary works, buildings, appliances and conveniences therewith and take and use the lands necessary for such purposes, and the said company may make uniform special rates for the carriage of fruit, milk and any other perishable goods.

Power to build road in sections.

Rev. Stat. c. 209.

11. The said ompany is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of Section 27 of The Electric Railway Act, and to deposit the same as required by the clauses of The Electric Railway Act and amendments thereto, with respect to the plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of The Electric Railway Act, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the who'e thereof and of its whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of The Electric Railway Act, and the amendments the reto with respect to plans and surveys. \*\* The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing

therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor-in-Council may sanction and approve of the construction by sections at different points and not continuously along the said line of railway.

12. Whenever any section of the said railway, of not less than Power to operten miles, has been completed, the company may give to the ate road in sections. Commissioner of Public Works a notice as to it similar to that required by section 87 of The Electric Railway Act, and unless Rev. Stat. ordered as provided by section 89 of said Act to postpone the c. 209. same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

13. The said company shall have all the borrowing powers Power to borconferred by the provisions relating thereto in The Electric row by the issue of bonds, Railway Act, and may issue bonds, debentures and other etc. securities, as therein provided, to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of ten miles or over are opened to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by The Electric Railway Act, and to Rev. Stat., the said limit or amount of \$20,000 per mile of the rail-c. 209. way.

14. Notwithstanding any provision to the contrary in any Power to other Act, the company's railway may cross the railway of any cross other railways. other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

15. The company may acquire and hold water powers and Compressed rights and lands necessary for developing and utilizing the air, electricity, etc. power to same for the purpose of generating compressed air or electricity, generate. or any other motive power other than steam, and may also generate the same by steam for the purposes of the railway and may acquire and hold lands for the erection of power-houses, and may construct, maintain and operate the necessary works for the production of compressed air, electricity and gas, or any other motive power, approved of by the Commissioner of Public Works, except steam, for the motive power of the said railway, and for lighting and heating the rolling stock and property of the company, and may in all municipalities where such sale or lease is authorized by by-law of the council of the

municipality, and subject to the terms and conditions imposed by such by-law, sell or lease any such electricity or compressed air, or other motive power, not required for the purposes aforesaid, to any person, firm or corporation, and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 200,

Agreements for running arrangements, etc, with other companies,

16. The said company shall have power to agree for connections and making running agreements with any company or companies lawfully empowered to enter into such agreements upon terms to be approved of by two-thirds in value, of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the agreement and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or bylaws of any municipality or municipalities which may from time to time be in force so, far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said ra lway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect; has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Powers to make agreements with other companies as to power. 17. The said company shall have power to enter into any agreement with any other company or person for the purchase leasing or hiring of power to run their compressed air or elect-

ric motors, or other motors, carriages or cars, or for lighting or heating them, or for any other purpose for which it may be required by the said company.

- 18. The several clauses of The Electric Railway Act and Application of every Act in amendment thereof shall be incorporated of Electric with and be deemed to be part of this Act, and shall apply to Act. the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of The Electric Railway Act, and of every Act in amend-Rev. Stat., ment thereof so incorporated with this Act.
- 19. Part K of sub-section 1 of section 9 of The Electric Power to hold Railway Act, shall apply to the company, and be incorporated land for parks. with this Act with the following amendments namely: The figures 100 in the fourth line shall be altered to 300; Fand the figures 300 in the second line of sub-section 2 of said section 9 shall be altered to 1,000.
- 20. The provisions of *The Ontario Companies Act* relating Preferential to the issue of preferential stock and being section 22 of said stock. Act and the amendments thereto are hereby incorporated in and made part of this Act.

#### BILL.

An Act to incorporate The Ontario Electric Railway Company.

First Reading, 21st January, 1902. Second Reading, 1902.

(Reprinted as amended by Railway Committee.)

MR. GRAHAM.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King s Most Excellent Majesty

#### BILL.

An Act to Incorporate The Ontario Electric Railway Company.

HEREAS the Honorable Sir Richard J. Cartwright, G. Preamble. C. M. G., of the city of Ottawa; Albert L. Jewell, of the city of Boston, banker, Cornelius Bermingham of the City of Kingston, manufacturer; Robert J. Carson of the City of Kingston, merchant; Horace N. Smith of the City of Salem manufacturer; George E. Smith of the City of Boston, electri. cian, and John Carson of the City of Kingston, merchant, have by their petition prayed for an Act of incorporation under the name of the Ontario Electric Railway Company, for the purpose of constructing and operating by electricity, compressed air or any other motive power approved of by the Commissioner of Public Works, except steam, a railway from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said Townships passing through or touching at any or all of the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa to a point in or near the Town of Brockville and connecting with the above line, and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Wolford, Augusta, Montague, Northand South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all of the various incorporated towns and villages lying in its route, with power to build branches or extensions from the said main lines not exceeding in each case thirty miles; assuch branches not to extend beyond the limits of the counties in which the aforesaid town-hips are situate and shall only be built after the approval of the Lieutenant-Governor-in-Council; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:-

Incorpor-

1. The said Hon. Sir Richard J. Cartwright, G. C. M. G., Albert L. Jewell, Cornelius Bermingham, Robert J. Carson, Horace N. Smith, George E, Smith and John Carson and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Ontario Electric Railway Company."

Location of line.

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity, or compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, and from time to time to alter, remove and change a double or single or partly double and single track iron or steel railway of the gauge of four feet, eight and a half inches, with all the necessary branches, switches, side tracks and turn outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta, Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said townships passing through or touching at any and all the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa, to a point in or near the Town of Brockville and connecting with the above line and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Wolford, Augusta, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all the various incorporated cities, towns and villages lying in its route, with power to build and operate part or branch of the said railway anv in sections. and with power to build and operate branches or extensions from the said main line not exceeding in each case 30 miles, with said branches not to extend beyond the limits of the counties in which the aforesaid townships are situate, and shall only be built after the approval of the Lieutenant-Governor-in-Council. The said railway may be carried along and upon such streets and highways and bridges as may be authorized by the by-laws of the respective corporations owning or having jurisdiction over the same, and subject to such restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the council of any of the said municipal corporations or any of the said other corporations respectively, subject to the conditions and restrictions contained in The Rev. Stat. Electric Ruilway Act and in The Municipal Act and any Rev. Stat. Act or Acts amending the same.

3. The council of any municipality through which the said Power given railway passes having jurisdiction over any highway, may, ties and others subject to the conditions and restrictions contained in The to grant rights Electric Railway Act and in The Municipal Act and any Act or of way. Acts amen ling the same, pass a by law or by-laws empowering the said company to make their road and lay their tracks along such highway and any individual firm or corporation owning any road or bridge or land over or along which it is desired to carry the said railway, may grant the right to said company to make their road and lay their track and operate their railway over and along the same, and such council, individual, firm and corporation and the said railway company are empowered to enter into such mutual agreements respectively relating thereto, and upon such terms as to them seem just and proper, subject to the terms of any agreement heretofore lawfully entered into between any municipality and any other railway company. Tha

4. The Honorable Sir Richard J. Cartwright, Albert L. Provisional Jewell, Cornelius Bermingham, Robert J. Carson, Horace N Directors. Smith. George E. Smith and John Carson shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the other directors shall be appointed under Rev. Stat. the provisions of The Electric Railway Act.

- 5. The number of directors shall not be less than five or Number of dimore than nine.
- 6. The head office of the said company shall be at the City Head Office. of Kingston, and all meetings of the provisional board of directors of the company shall be held at the City of Kingston.
- 7. The capital stock of the company shall be \$5,000,000, Capital stock. to be divided into fifty thousand shares of \$100 each.
- 8. The date of the annual meeting of the shareholders shall Annual meeting. be fixed by the by-laws of the said company.
- 9. The directors may enter into a contract or contracts with Directors emany individual, corporation or association of individuals for powered to the construction or equipment of a railway or any part thereof, pay in stock. including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in londs of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the ser-

vices of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for the purpose of considering such matters.

Special rates on fruit, etc. The said company may take, transport and carry passengers, goods, freight, express and mail matter over their said railway and may acquire, construct and maintain all necessary works, b ildings, appliances and conveniences therewith and take and use the lands necessary for such purposes, and the said company may make uniform special rates for the carriage of fruit, milk and any other perishable goods.

Power to build road in sections.

Rev. Stat. c. 209.

11. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of Section 27 of The Electric Railway Act, and to deposit the same as required by the clauses of The Electric Railway Act and amendments thereto, with respect to the plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of The Electric Railway Act, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the who'e thereof and of its whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of The Electric Railway Act, and the amendments thereto with respect to plans and surveys. \*\* The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing

therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in-Council may sanction and approve of the construction by sections at different points and not continuously along the said line of railway.

12. Whenever any section of the said railway, of not less than Power to oper ten miles, has been completed, the company may give to the sections. Commissioner of Public Works a notice as to it similar to that required by section 87 of The Electric Railway Act, and unless Rev. Stat. ordered as provided by section 89 of said Act to postpone the c. 209. same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

13. The said company shall have all the borrowing powers Power to borconferred by the provisions relating thereto in The Electric row by the issue of tonds, Railway Act, and may issue bonds, debentures and other etc. securities, as therein provided, to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of ten miles or over are opened to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by The Electric Railway Act, and to Rev. Stat., the said limit or amount of \$20,000 per mile of the rail- c. 209. way.

14. Notwith-tanding any provision to the contrary in any Power to other Act, the company's railway may cross the railway of any railways. other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

15. The company may acquire and hold water powers and Compressed rights and lands necessary for developing and utilizing the air, electricity, etc., nower to same for the purpose of generating compressed air or electricity, generate. or any other motive power other than steam, and may also generate the same by steam for the purposes of the railway and may acquire and hold lands for the erection of power-houses, and may construct, maintain and operate the necessary works for the production of compressed air, electricity and gas, or any other motive power, as approved of by the Commissioner of Public Works, except steam, for the motive power of the said railway, and for lighting and heating the rolling stock and property of the company, and may in all municipalities where such sale or lease is authorized by by-law of the council of the

municipality, and subject to the terms and conditions imposed by such by-law, sell or lease any such electricity or compressed air, or other motive power, not required for the purposes aforesaid, to any person, firm or corporation, and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c. 200,

Agreements for run ing arrangeme ts, etc, wi h other companies.

16. The said company shall have power to agree for connections and making running agreements with any company or companies lawfully empowered to enter into such agreements upon terms to be approved of by two-thirds in value, of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching anyservice to be rendered by one company to the other and the compensation therefor, if the agreement and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpo-e; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or bylaws of any municipality or municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said ra lway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of t'e said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect, has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Powers to be subject to general regulations.

17. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale,

lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

18. The said company shall have power to enter into any Powers to agreement with any other company or person for the purchase make agreements with leasing or hiring of power to run their compressed air or elect- other comric motors, or other motors, carriages or cars, or for lighting panies as to or heating them, or for any other purpose for which it may be required by the said company.

- 19. The several clauses of The Electric Railway Act and Application of every Act in amendment thereof shall be incorporated of Electric with and be deemed to be part of this Act, and shall apply to Act. the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of The Electric Railway Act, and of every Act in amend. Rev Stat., c. 209. ment thereof so incorporated with this Act.
- 20. Part K of sub-section 1 of section 9 of The Electric Power to hold Railway Act, shall apply to the company, and be incorporated land for parks. with this Act with the following amendments namely: figures 100 in the fourth line shall be altered to 300; Fand the figures 300 in the second line of sub-section 2 of said section 9 shall be altered to 1,000.
- 21. The provisions of The Onturio Companies Act relating Preferential to the issue of preferential s'ock and being section 22 of said stock. Act and the amendments thereto are hereby incorporated in and made part of this Act.

22. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the transmission power to grant to said railway any exclusive rights, privileges of electrical or franchise as to the transmission of electrical energy for energy. power, light and heat over or across any public highway or street in said municipality.

### BILL.

An Act to incorporate The Ontario Electric Railway Company.

First Reading, 21st January, 1902. Second Reading, 17th February, 1902.

(Reprinted as amended by Committee of the Whole.)

Mr. GRAHAM.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty

An Act respecting The Presbyterian Ladies' College, Ottawa.

WHEREAS, the Presbyterian Ladies' College, Ottawa, Preamble. have by their petition prayed that their Act of incorporation may be amended so as to change their name to "The Ottawa Ladies' College," as herein set forth; and 5 whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. Sections I and 4 of the Act passed in the 61st year of 61 V. c. 74, ss. Her Majesty's reign, Chapter 74, is amended by striking out 1, 4, amended the words "The Presbyterian Ladies' College, Ottawa," where the same occur in the said sections of the said Act, and substituting in lieu thereof the words "The Ottawa Ladies' 15 College."

### BILL.

An Act respecting The Presbyterian Ladies' College, Ottawa.

First Reading,

, 1902.

(Private Bill.)

Mr. Lumsden.

TORONTO:

Printer to the King's Most Excellent Majesty.

PRINTED BY L. K. CAMERON,

#### Au Act respecting the City of Toronto.

WHEREAS the Municipal Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas none of the by-laws in Schedule B hereto have been moved against, nor any proceedings taken to quash or set aside the same, nor have any objections been made to any of the said by laws; and whereas no opposition has been offered to the confirmation of the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

- 10 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
- 1. Section 4 of the Act passed in the 42nd year of the Amends sec. 4 reign of Her Late Majesty Queen Victoria, chaptered 81, is of 42 Vic. cap.

  15 amended by striking out all the words after the word "Toronto" in the second line down to and including the word "member" in the sixth line thereof, and inserting in lieu Members of Council to be thereof the following words: "the members of the Council of members of the City of Toronto, six representatives being members of the hibition Ashibition Ashibition Assibition Assibition Assibition District Society appointed by that Society." societion.

2. Section 9 of the said Act is amended by striking out the Amends sec. 9 word "twenty" in the first line and inserting the word of 42 Vic. cap. "twenty-five" in lieu thereof, and also by adding after the sing Directors word "Toronto" in the third line the following words—"and to 25.

- 25 five of whom shall consist of the Mayor and four other mem-Mayor and bers of the City Council to be selected by such Council, such four other number"; and by inserting after the word "determined" in members of Council to be the said third line the following words, "and the other Directors. directors to be elected."
- 30 3. Section 9 of the Act passed in the 54th year of the said Amends sec. 9 reign, and chaptered 82, is amended by striking out the words of 54 Vic. cap. "one year" in the last line, and inserting the words "two to be elected years" in lieu thereof, and this amendment shall take effect for two years. as and from the first day of December 1902.
- 35 4. The agreement between the City of Toronto and the Agreement Corporation of the County of York, which is printed as between City

and County of Schedule A hereto, with any modifications thereof which the said parties thereto may agree upon, shall, when duly executed by the parties thereto, be valid and binding on the parties thereto; and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same.

5

Repeals ss. (b) and (d) of s 6 of 1 Edward VII, c. 41.

5. Sub sections (b) and (d) of section 6 of the Act respecting the University of Toronto and University College, passed in the first year of the reign of His Majesty, chaptered 41, are hereby repealed.

Authorizes Debentures to be issued for water mains and other pur-

6. The Council of the said Corporation may, without sub-10 mitting the same to the ratepayers, qualified to vote on money by-laws, pass such by-laws as from time to sime may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount not exceeding \$44,815 as may be necessary for the following purposes:—

To lay water mains upon the following streets and places:-

Colborne street, 12-in main		2,210 2,900
Don bridge, 16-in. steel pipe		2,565
" Eastern avenue, 12-in. steel pipe King street, Simcoe to Spad na, 12-in. main		5,043
Gerrard street, 12-in. main		3,575 1,200
Spadina avenue, 6-in. main		150 ————————————————————————————————————
To improving the Cattle Market	\$	18,815 26,000
	-	44.815
	₾,	<b>TT</b> ,010

and for such purposes or any of them, may issue any number 30 of debentures payable in this province or elsewhere in sums of not less than \$100 each, which nay be payable at any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half yearly, and for the purpose 35 of redeeming such debentures and paying the interest thereunder, the council of the corporation of the city of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor imposed at such rate per annum upon all rate-40 able, personal and real property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

7. The by laws of the Corporation of the City of Toronto, By-laws specified in Schedule B hereto, and all debentures issued or to validated. be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

8. The Corporation of the City of Toronto is hereby City authorauthorized to construct, acquire and operate such plant or ized to acquire plants as may be necessary for lighting the streets and build-plants for ings within the city, and for heating any such buildings by lighting, tele gas or by electricity, and may also construct, acquire and power ser-10 operate plant or plants for telephone or power services, and for vices.

these purposes, or any one or more of them, may purchase any rights and interests in any company existing or to be hereafter created, or any stock or shares thereof or therein, or may otherwise remunerate or compensate the shareholders of such 15 companies for their interests in any such companies, and for

such purpose shall be at liberty from time to time either to issue debentures by and with the consent of the ratepayers authorized to vote upon money by-laws, or to pay therefor out of the year's taxation as to the council may seem right

20 and proper.

# SCHEDULE B.

						<b>T</b>		•						
Rate of Interest.		33	31		35	20 20 10 10 10 10 10 10 10 10 10 10 10 10 10	33	33		50 107	31	100	62 -403	3
Periods of payme't.	Years.	10	10		10	10	10	10	10	10	10	10	10	10
Amount to be borne by ratepayers.	· ·	920 57	979 32		1,392 83	1,433 84	322 29	621 05	488 51	2,081 66	296 17	1,032 28	1,765 82	727 55
Amount to be borne by City.	ت چ	73 50	20 08	a	153 87	257 13	159 00	120 (0	107 71	341 70	75 12	113 00	415 48	91 49
Amount of debt created.	ت ه	994 07	1,059 39		1,546 70	1,690 97	481 29	741 05	596 22	2,423 36	371 29	1,145 28	2,181 30	819 04
When passed by Council.		March 11, 1901	"		3	*	3	33	\$	3	3	9	33	99
Nature of work under By-Law.	Concrete sidewalk on the east side of Admiral road between	Lowther avenue and Bernard avenue	Lowther avenue and Bernard avenue	Concrete stoward on the tast side of Avenue road, between Bloor street and Davenport road, (excepting 100 feut in front of No. 97 50 feat in front of No. 107 and 50 feat	Concrete sidewal ko 111)		Gonerate sidewalk on the east side of Bedford road between	and Bernard avenue	Avenue road and Beford road. Concrete sidewalk on the west side of Revenley street hotween					Parliament street and Sackville street.
No. of By-Law.	3946	3947	2040	03.60	3049	3950	3951	3952	3953	3954	3955	3956	3957	

<b>₹</b> 67	0.0 -40,	55 262	₩ 162	35	ಕ್ಕು ಕ್ಕು	400	50 H01	(C)	331	<u>ಕ್ಷಾ</u>	00 401	0.0 ⊸los	45.	-00 -00	₩ 1402	400 401	80 162
10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	•10	10	10
20	29	43	12	10	45	32	55	08	47	30	14	03	73	93	44	19	80
88	391	263	370	101	453	488	23,917	452	443	640	1,502	1,136	1,312	198	233	620	647
63	25	6.4	62	16	14	55	73	9	61	20	90	20	45	12	9	10	99
106	122	93	61	52	90	93	222	44	140	156	438	128	168	35	90	104	217
83	85	98	60	46	69	87	98	80	80	90	14	53	18	00	44	58	20
190	5.13	856	432	154	543	581	2,619	496	584	197	1,940	1.264	1,481	234	323	724	865
1901															-		
11,	99	3	**	93	9.9	99	"	3	99	3	*	3	33	9 9	3	*	"
March 11, 1901																	
Concrete sidewalk on the north side of Cecil street, between Henry street and Beverley street.	Beverley street and Huron street.	Concrete sidewalk on the west side of College Street, between Queen street and Shuters street.	Beverley street and Huron street. Concrete sidewalk on the south side of College street,	inches west thereof inches and a point distant thirty nee ret six inches west thereof	Avenue road and Be ford road.	Concrete sidewalks on both sides of Buolid	Concept eiden Water street		Sherbourne street and Seaton street.	Concrete a daught street and Jarvis street, ne.	St. Vincent street and Survey place.		Concrete sidewalk on the east aide of Hunlay street	Lindon street and Selby street	Selby street and Bloor street.	Isolate street and Bloor street.	Lowther avenue and Bernard ave
3958	3960	3961	3962	3963	3964	3965	3966	3967	3968	3969	3970	3971	3972	3073	3974	3075	

SCHEDULE B.—Continued.

Rate of Interest.		33	150	482	-467 603	<u>භ</u>	33	र्क	-6°	331	37	ಕ್ಷಣ	- S	000 1402
Periods of payment.		10	10	10	10	10	10	10	10	10	10	10	10	10
Ameunt to be borne by rate- payers.	<b>9</b>	1,270 82	525 60	1,003 80	1,415 66	1,523 88	266 44	1,037 10	128 47	196 00	527 47	139 18	3,688 89	2,249 02
Amount to be borne by City.	€€	406 35	56 11	36 81	354 77	114 25	25 43	41 79	128 47	74 66	04 09	141 90	549 52	155 31
Amount of Amount to be borne debt be borne by City.	<b>\$</b>	1,677 17	581 71	1,040 61	1,770 43	1,638 13	291 87	1,078 89	256 94	270 66	588 17	281 08	4,238 41	2,404 33
When passed by Council.		March 11, 1901.	99	"	3	3	9 4	*	**	9.9	"	23	*	•
Nature of work under By-Law.	Concrete sidewalk on the east side of Huron street, between	Russell street and Bloor street (except that portion there of between Classic place and Wilcox street)			Concrete sidewalk on the west side of fluron street, between Russell street and Bloor street		St Paul street and Sackville street	concrete succession on the sound succession and sound succession and succession succession succession succession succession succession succession the north side of Louisa street, between		Concrete sidewalk on the north side of Lowther avenue, between Admiral road and St. George street	concrete sidewalk on the north side of Lowther avenue, between Avenue road and Bedford road	tween Spading road and Madison arenue.		College street and Harbord street
No. of By-law.	3976	1100	1160	3978	8180	3980	1080	3983	000	3984	3980	5980	1000	2300

÷	-401 00	- <del>1</del> 00 000	00° 	÷€27	5.5 -401	60°	50 ⊸(2)	&9 -(6)	-401 00	- <del>(</del> 01)	- <del>1</del> 00	-403 CC	<del>-</del> €07
10	10	10	10	10	10	01	10	10	10	10	10	10	10
118 52	320 46	253 79	562 47	2,855 59	1,118 15	29 82	129 21	661 42	261 44	291 81	110 62	607 73	232 57
63 44	106 16	53 41	60 09	439 33	85 74		:	40 22	70 00	116 06		27 87	136 26
181 96	426 62	307 20	622 56	8,294 92	1,203 89	78 67	129 21	733 46	331 44	407 87	110 62	K35 60	368 83
;	*	*	;	3	3	<b>3</b>	;	3 9	3	*	ÿ	*	*
Concrete sidewalk on the east side of Peter street, between Richmond street and Queen street.	ford	Concrete and sixty-seven feet east of St. George street		1000 1000	Concrete sidewalk on the east side of Queen's Park creseent,	between a point distant one hundred and thirty-one feet six inches north of St. Albans street and a point distant ninety-nine feet six inches further north.  Concrete sidewalk on the north side of Queen Park crescent, between the eastern limit of John Drynan's property and a point distant one hundred and eighty-three feet further	east Concrete sidewalk on both sides of Rose avenue, between Win-	Concrete sidewalk on the north side of Russell street, between	St. George street and Huron street Concrete sidewalk on the south side of Russell street, between	St. George street and Huron street  Concrete sidewalk on the east side of Scott street, between Col- bring street and a point distant sixty feat ten inches conth	Concrete sidewalk on the east side of Sherbourne street, be-	four inches north of Queen street, and Wilton avenue. Concrete sidewalk on the east side of Sincoe street, between	Front street and Station street
3989	3991	3992	3993	3994	3995	3996	3997	3998	3999	4000	4001	4002	

SCHEDULE B.—Continued.

est.		. rate.	10 C	- 100 C	Ç	€7 ©	331	31	eo Hei	-163 -163	-4c1	37	31	
Rate of Interest.		<del>с</del> ъ е					6.5	<u></u>	<u>e.s</u>	ಣ	<u> </u>	<b>G</b> 2	ଟ୍ଡ	
Period of Payment.		10	10	10	10	OT	10	10	10	10	10	10	10	
Amount to be borne by Rate- payers.	<del>99</del>	81 18	3,080 07	1,328 35	T,009 U9	00 #0#	347 25	471 13	68 64	507 10	476 60	266 37	863 45	
Amount of Amount to be borne debt be borne by City.	69	43 00	70 eue		10 70	20 00	22 20	85 07	68 65	26 37	164 00	98 0.1	204 58	
Amount of debt created.	<b>\$</b>	124 18	2,000 14	1,486 37	1,920 (U	70 024	369 45	556 20	137 29	573 47	640 60	364 38	1,068 03	
When passed by Council.		March 11, 1901.	: 3	: 3	3		3	*	9	**	*,	3	9,5	
re of Work under By-Law.	Concrete sidewalk on the north side of South drive, between	the north limit of lot No 1, and the east limit thereof Concrete sidewalk on both sides of Spadina avenue, between	Concrete sidewalk on both sides of Spadina road, between Bloor	Street and Lowther avenue.  Concrete sidewalk on both sides of Spadina road, between Low-	Concrete sidewalk on the waste side of St. George street, better B. Will and Will and Will and St. George street, better B. Will and Will and St. George street, better St. Ge	ever it constructed and wile a surfect sidewalk on the west side of St. George street, between the south limit of house No. 92, and the north	Control of Ct Windows	Concrete sidewalk on the gast side of St. vincent street, between Grenville street and Grosvenor street.	College street and a point distant eighty-four feet south thereof  Concrete sidewalk on the east side of Walmer road, between	Bloor street and the north limit of house No. 13, Walmer road  Connects eigenell on both sides of Weshington evenus between	Huron street and putding avenue.  Concrete sidewale, on the north side of Wilcock street, between	obert street.	t and Sumach street.	
Nature of W	Concrete sidewalk on the	Concrete sidewalk on both sides of Spa	Concrete sidewalk on both s	Street and Lowther avenue	Concrete sidewalk on the west side of	Concrete sidewalk on the tween the south limi	limit of house No. 112	concrete sidewalk on the w	College street and a pthereof Concrete sidewalk on the	Bloor street and the no road	Huron street and parding avenue	Spadina avenue and Robert street Concrete sidewalk on the north side of	tween Parliament street and Sumach street.	

- 6°	÷	र्दे	32.2	**************************************	33	35	**	- 60 - 100 -	\$	-\$6°	37		-\$ <sup>2</sup>	e e	₹6°
10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
158 64	98 446	3 213 36	17,671 45	8,730 06	13,997 18	00 690,7	9,532 19	08 468,9	7,593 56	18,081 64	11,645 23	4,502 49	1,187 04	5,646 02	8,452 93
28 75	:	2,445 69	14,245 08	1,693 73	2,144 32	6,067 39	1,500 00	2,390 56	2,084 67	4,898 53	4,449 48	2,435 46	1,218 42	1,230 85	1,070 38
187 39	977 95	5,659 05	31,916 53	10,423 79	16,141 50	13,126 39	11,032 19	9,287 86	9,678 23	22,980 17	16,094 71	6,937 95	2,405 46	6,876 87	9,523 31
*	*	March 25, 1901	7,	*	*	**	9,9	9	*	*	9 0	**	;	*	*
Coner	Tween a point distant ninety-eight feet ten inches east of York street and a point distant one hundred and sixtyfour feet four inches west of Bay street		Asphalt pavement on bloof street, between Avenue road and Asphalt surger, or Remound Section between	Ashlate favenieur on Drumwick avenue, beween closes succe. Asahalt navenieur en Brinswick avenue, hetween Bloor street	reet.	Cueen street	Aspirate paventent on cowart avenue, between Anig street and Huxley street	Aspnart pavement on Howanit Avenue, network photos street	Asphalt pavement on Huron street, between Lowther avenue and Bernard avenue.	Aspnale pavenine on King street, between Spatina avenue and Rachurst street	Asphale pavement on Lippincoce screet, between visite street and Bloor street.  Asnhalt navement on Lowther avenue between St. George	street and a point distant one hundred and fifty-eight feet east of Bedford road	Asphale pavellene on Loweller avenue, between Spauling road and Walmer road Asrhalt navement, on Markhan street, between College street		Aspnart pavellene on Manning avenue, between Conege street and Ulster steect
4015	2—21	4021	4002	4094	4095	0704	4004	1204	4028	4029	4030	9	4032	2004	4034

SCHEDULE B.—Continued.

Rate of Interest.		60 Hgs	-65 -452	-60 -402	50	200 200	90 402	0.0 40.	Les.	\$0 =\03	0.0 1403	00 -401	32.00	
Period of Payment.		10	10	10	10	10	10	10	10	10	Ō	ಣ	ಣ	10
Amount to be borne by be borne by city.	<b>⇔</b>	3,797 43	5,122 11	15,008 00	5,515 39	6,559 42	3,327 81	3,784 00	9,479 00	1,096 95	831 72	1,043 78	833 93	2,608 04
Amount to be borne by city.	<b>%</b>	1,979 41	2,016 65	2 122 12	4,899 62	1,347 20	1,872 76	1,132 29	3,713 10	638 22	393 45	468 37	421 86	828 41
Amount of Debt created.	<b>9</b>	5,776 84	7,138 76	17,130 12	16,415 01	7,906 62	5,200 57	4,916 29	13,192 10	1,735 17	1,225 17	1,512 15	1,255 79	3,436 45
When passed by Council.	March 25, 1901	## ##	9 9	**	3	",	"	,,	3	**	"	**	9.9	*
Nature of Work under By-Law.		Aspha	street and a point distant two hundred feet and three inches east of Bedford road	Spadina road,	Asphalt pavement on Sussex avenue, between Spadina avenue and Borden street.	brick pavement on Front street, between 1 ork street and Sim- coe street	Brick pavement on Lombard street, between Victoria street and Church street	Brick pavement on Manning avenue, between Ulster street and Harbord street	Brick pavement on Niagara street, between Bathurst street and King street.  Rrick navement on West Lodge avenue, between Oneen street	and a point distant two hundred and forty feet north thereof	n Beau street,	Macadam pavement on Front street, b	Macadam pavement and McCaul str	Macadam pavement on North street, between St. Mary street and Bloor street
No. of By-Law.	4	4035	1	4037	4038	4 139	4040	4041	4042		4044	4045	4046	4047

त्रे की संग	3	\$\$ \$\$		**************************************	65 462	30	25.	50 162	\$50 \$400	- Co	\$50 m	200	33	3	ep.
10 10	70	20	10	10	ಕರ	ಣ	10	10	10	10	10	10	10	10	10
874 84	5,057 85	3,373 80	4,298 42	42,850 74	14,414 29	11,360 88	9,255 43	3,550 00	2,853 70	2,141 36	857 04	3,947 95	4,384 87	1,094 00	591 00
209 00 423 96	2,828 39	2,388 44	1.463 00	21,136 67	2,581 99	3,232 71	1,148 45	1,057 47	3,478 97	1,105 47	117 63	703 49	789 37	478 21	394 01
1,083 84	7,886 24	5,762 24	5,761 42	63,987 41	16,996 28	14,593 59	10,403 88	4,607 47	6,332 07	3,246 83	974 67	4.651 44	5,174 24	1,572 21	985 01
3 3	9 9	*	•	:	3	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	April 9, 1901.	**	3	9,	9 9	*,	3	99	9
Macadam pavement on River street, between Gerrard street and Spruce street.  Macadam pavement on Strickland Place, between Noble street and Ear. bridge street.	4050 Macadam pavement on St Mary street, between Yonge street and the west end of St. Mary street.	4051 Macadam pavement on Woolsley street, between Esther street	4052 Local improvement debentures to defray the ratepayers' share of the cost of certain sewers laid down in the year 1900			4055 Local improvement dependires to defray the facebayers since of the cost of certain wooden sidewalks laid down in the year 1900		4058 Asphalt pavement on Boswell avenue, between Avenue road and Bedford road	4059 Asphalt pavement on Front street, between Jarvis street and George street.	4060 Asphalt payement on Glen road, between Howard street and the bridge.	4061 Brick pavement on Atkin avenue, between Brock avenue and the east end of Atkin Avenue.	4062 Brick pavement on Buchanan street, between Yonge street and Terauley street	4063 Brick pavement on Fuller street, between Queen street and Pearson avenue	4064 Brick pavement on the first lane south of Front street, between Yonge street and Scott street	4065 Brick pavement on the first lane south of King street, between Dorset street and John street

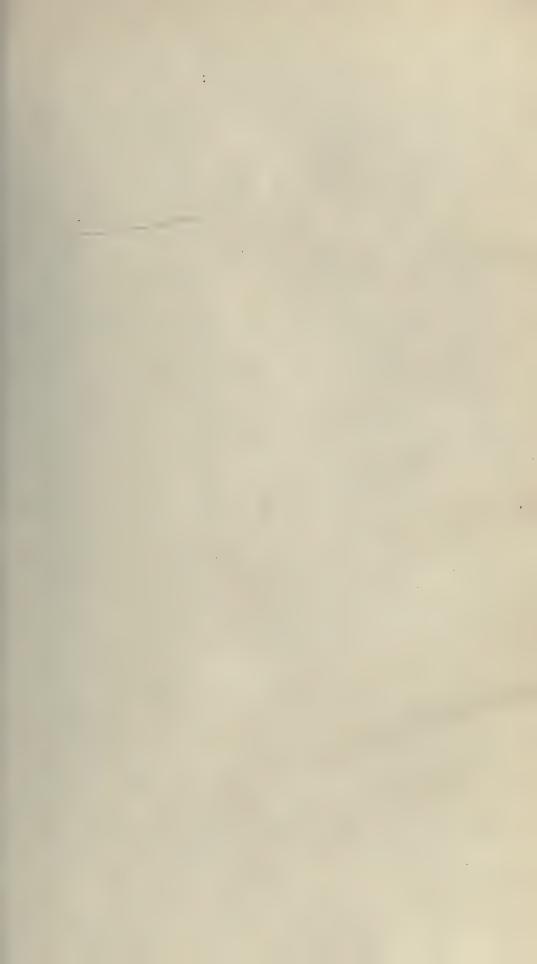
	- Continued	
	ñ	ñ
	ч	ė
	2	
	8	
	2	4
	2	
	.5	ä
-	7	ĕ
	C	ø
	2	•
	C	3
1	4.5	
-		
	7	
	- 1	
	- 1	
	и	
		ŝ
- /	~	
ж	÷	i
1	Ť	
	·	
-	÷	
A	÷	
A 6.40 .40	¥.	
A 6.40 -0-4		
i		,
i		,
i		,
i		,
i		,
i		,
i		,
i		,
i		,
	Y	
	Y	
	Y	

Rate of interest.		₹°7	60 E403	ಣ	et co	र्ल	35	35	**************************************	60	33	र्ड इंटर इंटर	60	-60 -60
Period of payme't.		10	10	īÖ	10	ro	10	က	හ	10	10	က	ග	61
Amount to be borne by Rate- payers.	<b>90</b>	8,845 09	2,444 45	2,060 40	2,612 27	601 15	2,113 90	464 71	1,994 55	3,370 15	614 25	746 50	109 00	482 19
Amount to be borne by City.	<b>*</b>	4,528.00	1,988 86	445 92	534 81	179 45	903 50	309 81	569 30	4,344 45	230 86	476 28	91 62	229 78
Amount of debt t	<b>69</b>	13,373 09	4,433 31	2,506 32	3,147 08	780 60	3,017 40	774 52	2,563 85	7,714 60	845 11	1,222 78	200 62	711 97
When passed by Council.		April 9, 1901.	9 9	"	-9 -9	4		**	**	,	**	*		*
Nature of work under By-Law.	Brick pavement on Markham street, between Queen street and	Arthur street. Brick navement on Robinson street, between Bathurst street					Macadam pavement Sherbourne st				street and Esplande street			Altering roadway and constructing new wood curbing on Portland street, between King street and Front street.
No. of By-Law.	4066	4067	4060	4000	4069	4070	4071	4072	4073	4074	0705	4070	1	4078

ನ್ ನ	क क	20	₩ ₩	ಹೆ	32	क क	
10 °	10	10	10	10	10	10	10
197 00	773 49	446 86	1.719 60	954 46	08 891	491 58 161 94	411 90
39 07 237 10	168 46	38 35	793 92	148 90	256 66	151 25 80 97	
236 07	941 95 843 80	586 21	2,513 52	1,103 36		642 83	411 90
Queen  stween te the  King King Front Foot	9 9	*	*,	9	**	**	9
he west side of Seaton street, between on the east side of Bay street, be trreet and Queen street (except opposited Building)  on the west side of Bay street, between ellington street (excepting twenty-four front of No. 76 and twenty-six feet in	Of No. 80  Occident sidewalk on the north side of Bernard avenue, between Avenue road and Bedford road  Occident sidewalk on the south side of Cool street between	Concr	28½, and opposite all intersecting lanes where permanent walks are already laid)  Concrete sidewalk on the north side of Front street, between York street and a point distant five hundred and seventy.	086 Concrete sidewalk on the north side of Lowther avenue, between Spadina road and the north limit of house No. 17	Walmer Road	Or8 Concrete sidewalk on the north si e of Shuter street, between Jarvis street and George street.	

SCHEDULE B.—Continued.

Rate of interest.		462	37	₹	£.	33	÷.	क्ष	Ť	33	31
Period of payme't.		10	10	10	10	ಣ	ಣ	ಣ	10	various	10
Amount to be borne by Rate- payers.	<b>99</b>	704 71	335 90	860 82	8,512 60	9,549 58	2,247 88	1,901 17	13,149 00	421,572 79	
Amount to be borne by City.	<b>*\$6</b>	87 40	15 83	400 46	4,259 58	1,479 52	18 299	651 66	14,495 47	•	161,454 42 161,454 42
Amount of debt created.	<b>6</b>	792 11	351 73	1,261 28	12,772 18	11,029 10	2,815 69	2,552 83	27,644 47	421,572 79	161,454 42
When passed by Council.		April 9, 190 1.	3	3	\$	3	į	33	*	reertain July 15th, 1901 421,572 79	99
Nature of work under By-Law.		Concrete sidewalk on the east side of Yonge street, between Alexander street and Maitland street	Brick sidewalk on the south side of Gould street, between Dalhousie street and Mutual street.	Local improvement debentures to defray the ratepayers share of the cost of certain sewers laid down in the year 1900		Local imprevement debentures to defray the racepayers share of the cost of certain wooden sidewalks laid down in the year 1900.	Local improvement debentures to defray the ratepayers snare of the cost of certain wooden sidewalks laid down in the year 1900	Local improvement debentures to derray the racepayers snare of the cost of certain wooden sidewalks laid down in the year 1900		Local improvement debentures, consolidating the proxent amounts, being the ratepayers' share, named in certain local improvement by laws	Consolidating the city's share of the amounts named in certain local improvement by-laws
No. of By-Law.		4090	4091	4092	4093	4094	4095	4096	4098	4110	1111



### BILL.

An Act respecting the City of Toronto.

First Reading,

, 1902.

Mr. Foy.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's ost Excellent Majesty.

## An Act respecting the City of Toronto.

HEREAS the Municipal Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas none of the by-laws in Schedule B hereto have been moved against, nor any proceedings taken to quash or set aside the same, nor have any objections been made to any of the said by-laws saving and excepting as to so much of By-law No. 4,022 as is hereinafter referred to ; and whereas no opposition has been offered to the confirmation of the said by-laws save as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Section 4 of the Act passed in the 42nd year of the Amends sec. 4 icn of 42 Vic. cap. reign of Her Late Majesty Queen Victoria, chaptered 81, is 81.

amended by striking out the words "the chairman of the executive committee" in the second line thereof and inserting Members of the words, "the members" in lieu thereof, also by striking out Council to be men bers of all the words of the said section after the word "Toronto" in Industrial Exthe third line thereof to the word "members" inclusive in the hibition Asfifth line thereof.

2. Section 9 of the said Act is amended by striking out the Amends sec. 9 of 42 Vic. cap. word "twenty" in the second line and inserting the word 81, by increas"twenty-five" in lieu thereof, and also by adding after the ing Directors
to 25. word "Toronto" in the third line the following words-" and five of whom shall consist of the Mayor and four other mem- Mayor and four other bers of the City Council to be selected by such Council, such members of number"; and by inserting after the word "determined" in Council to be the said third line the following words, "and the other directors to be elected."

3. The agreement between the City of Toronto and the Agreement between City Corporation of the County of York, which is printed as and Jounty of York validated

dated.

Schedule A hereto, shall, when duly executed by the parties thereto, be valid and binding on the parties thereto; and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same.

Authorizes Debentures to be issued for water mains and other purposes.

4. The Council of the said Corporation may, without submitting the same to the ratepayers, qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount not exceeding \$68,815 as may be necessary for the following purposes:—

To lay water mains upon the following streets and places:—

blborne street, 12-in main ......\$ 2,210

Colborne street, 12-in. main	\$	2,210
Queen street, Bathurst to Niagara, 12-in. main		2,900
Don bridge, 16-in. steel pipe		2,565
" Eastern avenue, 12-in. steel pipe		1,172
King street, Simcoe to Spadina, 12-in. main		5,043
Gerrard street, 12-in. main		3,575
Don (Esplanade), 6-in. main		1,200
Spadina avenue, 6-in. main		150
	\$1	18,815
To improving the Cattle Market	5	50,000
	\$6	88,815

and for such purposes, or any of them, may issue any number of debentures payable in this province or elsewhere in sums of not less than \$100 each, which may be payable at any time within twenty-eight years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half yearly, and for the purpose of redeeming such debentures and paying the interest thereunder, the council of the corporation of the city of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor imposed at such rate per annum upon all rateable, personal and real property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

By-laws validated.

5. The by laws of the Corporation of the City of Toronto, specified in Schedule B hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed,

except so much of By-law No. 4,022 as imposes an assessment upon lots 26 and 27, plan 101 "E," on the south side of Bloor street, having a frontage of 102 feet on Bloor street, assessed to W. Hamilton Merritt, but now the property of the Trustees of the University of Toronto, which assessment shall not be collectable unless and until the said lots have been sold or leased by the said Trustees and then shall be collectable for such time as shall follow such sale or lease, which assessment shall attach upon the land or the lessees' interest therein respectively, according to whether the said land shall have been sold or leased.

### SCHEDULE A.

This Indenture, made the 11th day of February, in the year of our Lord, one thousand nine hundred and two. Between the Corporation of the City of Toronto, hereinafter called the City, of the first part; and the Corporation of the County of York, hereinafter called the County, of the second part.

Whereas an agreement was entered into between the parties hereto on the 26th day of June, 1884, respecting the matters therein set out;

And whereas it has been agreed between the parties hereto that the County shall pay the sum of \$84,000 in lieu of the sum to be paid "annually in respect of the use of the said Court House for County purposes," as provided in the said agreement, and that the County shall have an insurable interest to that extent;

And whereas it has been further agreed that the said Court House and offices shall be considered to have been made "ready for use and occupation by the said Courts and the officers connected therewith" on and from the 1st day of April, 1901;

And whereas it has been further agreed that the "just share and proportion of all charges and expenses from time to time as the same may be incurred of the cost of maintenance and repairs of the portion of the building and site used for the purposes of the administration of justice to be borne and paid by the County of York shall be 22 per cent. of the whole amount of such charges and expenses, the balance thereof, 78 per cent., to be borne by the City, and that the other payments, outlays, costs, charges and expenses provided for in the said agreement shall be paid by the County and the City in the same proportions.

And whereas it has been further agreed that the date at which that portion of the agreement relating to fees and other moneys now payable by the County under the provisions of *The Jurors' Act* and amendments thereto, and under the Acts relating to the payment of Criminal Justice accounts, and all other fees and moneys now payable or to be advanced out of County funds for, or in connection with, the administration of justice shall take effect, shall be the 1st day of January, 1902, instead of the date of the completion of the said Court House, as provided in the said agreement.

#### Now therefore this agreement witnesseth:

- 1. That as and of the first day of April, 1901, the County shall pay to the City the sum of \$84,000 in lieu of the sum to be paid annually in respect of the use of the said Court House for County purposes in the said hereinbefore in part recited agreement provided (but not including the repair and maintenance thereof), such sum to bear interest at the rate of four per cent. per annum from the said 1st day of April, and to be paid by the County to the City on the 1st day of March, 1902; and if the sum be not paid upon the said last mentioned date, interest shall be paid by the County to the City at the said rate on any amount remaining unpaid, until the amount shall be fully paid and satisfied; and the City hereby agrees to accept the said sum when paid in full satisfaction of the said sum to be paid annually;
- 2. The County shall have an insurable interest in the portion of the building used for the purposes of the administration of justice and in the furniture to be used therein to the extent to which the amount paid by the said County for the use of the said building and on account of the purchase of the original furniture therefor will render the same insurable.
- 3. The said Court House and Offices shall be considered to have been made ready for use and occupation by the said courts and the officers connected therewith of and from the 1st day of April, 1901, for the purposes of the said hereinbefore in part recited agreement, save and except as herein otherwise provided.
- 4. The County shall bear and pay to the City on the first day of February in each year as its just share and proportion of all charges and expenses from time to time as the same may be incurred as provided in the said agreement the share of twenty-two per cent. of the whole amount of such charges and expenses, previously incurred, and the balance thereof, namely, seventy-eight per cent. shall be borne by the City, provided, however, that such charges and expenses shall not include anything paid by the City for insurance on buildings and furniture, and the said County shall have no claim on any insurance effected by the City and the premiums for which have been paid by the City.
- 5. And the County will further pay to the City from time to time at the said rate of twenty-two per cent., its share of the cost of repairing and maintaining that portion of the City Hall and the site thereof used for the purposes of the administration of justice and for offices in connection therewith on the first day of February next after the said cost shall be from time to time incurred.
- 6. The vouchers showing the sums expended by the City of Toronto in the care, maintenance and repairs of the portion of the City Hall used for the purposes of the administration of justice, and also showing the other payments, outlays, costs, charges and expenses provided for in the said agreement of the 26th June, 1884, towards which the County of York are required to pay or contribute are to be open to such member of the County Council or such Auditor as the County Council of the County of York may appoint, at all reasonable times upon application to the City Treasurer therefor.
- 7. If the County Council is dissatisfied with, or objects to, any payments made by the City and charged to the County, on the ground that the same are for any reason improper, the question of whether the payment is improper shall be referred to the County Judge of the County of York, whose decision in regard to any such payments shall be final. Such County Court Judge shall be entitled to be paid on such reference the fees payable to an Arbitrator under The Municipal Arbitrations Act, and shall be paid by such party, and in such proportion as the said Judge may determine.

- 8. The date at which that portion of the agreement relating to the fees and other moneys heretofore payable by the County under the provisions of *The Jurors' Act* and the Acts relating to the payment of criminal justice accounts and all other fees and moneys now payable or to be advanced out of County funds for or in connection with the administration of justice, shall take effect, shall be on and from the 1st day of January, 1902. instead of the date of the completion of the said Court House as provided in the said agreement.
- 9. Except in so far as herein specially otherwise provided, the said agreement, including the clause for reconsideration of the sum payable by the County to the City on the order of the Lieutenant-Governor in Council as therein provided is to remain in full force and effect.

In witness whereof the parties hereto have hereunto set their Corporate Seals and the hands of their proper officers.

Signed, sealed and delivered in the presence of

O. A. Howland, Mayor.

[L.S.] R. T. COADY, Treasurer.

ROBERT NORMAN,

[L.S.] Warden.

JOHN A. RAMSDEN,
Clerk.

# SCHEDULE B.

Rate of Interest.		31	क्ट		400	- 65 - 65		ත ස්ත	331	37	33	32	33	3	31
Periods of payme't.	Years.	10	10		10	10		10	10	10	10	10	10	10	10
Amount to be borne by ratepayers.	ပ် •	920 57	979 32		1,392 83	1,433 84		322 29	621 05	488 51	2,081 66	296 17	1,032 28	1,765 82	727 55
Amount to be borne by City.	ပ် မော	73 50	20 08		153 87	257 13		159 00	120 00	107 71	341 70	75 12	113 00	415 48	91 49
Amount of debt created.	ပ် မော	994 07	1,059 39		1,546 70	1,690 97		481 29	741 05	596 22	2,423 36	371 29	1,145 28	2,181 30	819 04
When passed by Council.		March 11, 1901	99		3	*		99	**	99	39	29	99	*	***
By-Law.		on the east side of Admiral road, between ie and Bernard avenue	dmiral road, between	(excepting 100 feet in f No 107 and 50 feet		enue road, between treet, between King	Vo. 111 Bay street,	in and thingsome	ord road, between	d avenue, between	y street, between	oor street, between	street, between	avenue, between	Street, Detween
Nature of work under By-Law.		Concrete sidewalk on the east side of Adr Lowther avenue and Bernard avenue	Concrete sidewalk on the west side of Admiral road, between Lowther avonue and Bernard avonue	Controle sucwars on the case suc of accepting 100 feet in Enough of No. 07, 50 feet in front of No. 107, and 50 feet	in front of No 111)	Concrete sidewalk on the west side of Avenue road, between Bloor street and Davenport road	street and the south limit of house No. 111 Bay street,	Hospital)	Concrete sidewalk on the east side of bediefd road, between Lowther avenue and Bernard avenue	Concrete sidewalk on the south side of Bernard avenue, between Avenue road and Bedford road	Concrete sidewalk on the west side of Beverley street, between Queen street and Cecil street	Concrete sidewalk on the south side of Bloor street, between St. George street and Huron street	Concrete sidewalk on the east side of Borden street, College street and Ulster street	Concrete sidewalks on both sides of Boswell avenue, between Avenue road and Bedford road	Concrete sidewalk on the south side of Carlton Street, Detween Parliament street and Sackville street

Hearty street and Baveley street   December 1   1901   190 33   106 63   83 70   10   34	Cecil street, between ". 513 82 122 25 hurch street, between ". 856 86 93 43		_
College street, between  College street, betwe	hurch street, between ". 513 82 122 25 hurch street, between ". 856 86 93 43 ollege street, between ".		
College street, between  College street, betwe	College street, between " 856 86 93 43		
College street, between  College street, betwe	College street,		_
Elgin avenue, between	between (432 09 61 62		
Eigin avenue, between	154 46 52 91		
Gerrard street, between         "         2,619         86         222         73         23,917         13         10           Gerrard street, between         "         2,619         86         222         73         23,917         13         10           Gerrard street, between         "         496         80         44         00         452         80         10           Gerrard street, between         "         797         00         156         70         640         30         10           reet.         "         797         00         156         70         640         30         10           svenor street, between         "         1,940         14         438         00         1,502         14         10           wland avenue, between         "         1,264         53         128         0         1,136         03         10           Huntley street, between         "         1,481         18         168         45         1,9         10           Huntley street, between         "         724         29         104         10         620         19         10           Huron street, between         "	Egin avanua harman (4 543 59 90 14		
Gerrard street, between  Gerrard street, betwe	findid granus heteron		
reet	2,619 86 222 73		
f Gloucester street, between ce alectomayerus between ce alectomayerus, and alectomayerus, between ce alectomayerus, and alectomayerus,	496 80 44 00		
reet	,, 584 08 140 61		
the control of the co	294 00 156 70		_
1,264 53     128 50     1,136 03     10       wland avenue, between      1,481 18     168 45     1,312 73     10       Huntley street, between      234 05     35 12     198 93     10       Huntley street, between      323 44     90 00     238 44     10       Huntley street, between      724 29     104 10     620 19     10       Huron street, between      865 50     217 65     647 85     10	1,940 14 438 00		
Huntley street, between 234 05 35 12 198 93 10 Huntley street, between 323 44 90 00 238 44 10 Huntley street, between 724 29 104 10 620 19 10 Huron street, between 865 50 217 65 647 85 10	" 1,264 53 128 50	1,136 03	
Huntley street, between 234 05 35 12 198 93 10 Huntley street, between 724 29 104 10 620 19 10 Huron street, between 865 50 217 65 647 85 10	Detween 6 1,481 18 168 45	1,312 73	
Huntley street, between 724 29 104 10 620 19 10 Huron street, between 865 50 217 65 647 85 10	between 66 254 05 35 12		
Huron street, between " 865 50 217 65 647 85 10	### 323 44 90 00		
nue	Human street heteron		
	nue		

SCHEDULE B.—Continued.

	. 4													
Rate of Interest.		es.	160	ŧ	ਫ਼	33	क्ट	ನ್ನ	-des	331	55	3	es :	***
Periods of payment.		10	10	10	10	10	10	10	10	10	10	. 10	10	10
Amount to be borne by rate- payers.	<b>60</b>	1,270 82	525 60	1,003 80	1,415 66	1,523 88	266 44	1,037 10	128 47	196 00	527 47	139 18	3,688 89	2,249 02
Amount of Amount to debt be borne by City.	<b>66</b> →	406 35	56 11	36 81	354 77	114 25	25 43	41 79	128 47	74 66	04 09	141 90	549 52	155 31
Amount of debt created.	66-	1,677 17	581 71	1,040 61	1,770 43	1,638 13	291 87	1,078 89	256 94	270 66	21 889	281 08	4,238 41	2,404 33
When passed by Council.		March 11, 1901.	33	99	99	99	3	29	99	99	99	23	9)	33
Nature of work under By-Law.	Concrete sidewalk on the east side of Huron street, between	russell street and Bloor street (except that portion thereof between Classic place and Wilcox street)  Concrete sidawall on the west side of Human street	Concrete sidewalk on the west side of Huron street between	Lowher avenue and Bernard avenue	Russell street and Bloot street.	Spadina avenue and Bathurst street.		point distants severely-nine feet ten inches west of York street, and Sincoe street.	Yonge street and the east side of the first lane west thereof.	tween Admiral road and St. George street.	tween Avenue road and Bedford road.	tween Spadina road and Madison avenue, per tweet sidewalks on hoth sides of Major street between College and the side of	Concrete sidewalks on hoth sides of Warbhan street between	College street and Harbord street
No. of By-law.	3976	3977	3978	9979	3980	3981	3989	3983	3984	3985	3986	3987	398R	

	33	-to	<b>₩</b>	₹°	401	-65 65	es es	400	35	487	\$ 500	₩ 102 103 103 103 103 103 103 103 103 103 103	483	- <del>\$</del> 1
-			<u>-</u>								_			
	10	10	10	10	10	10	10	10	10	10	10	13	10	10
-	118 52	320 46	253 79	562 47	69 9	8 15	78 67	129 21	1 42	261 44	18 10	110 62	607 73	232 57
		35	63	26	2,855	1,118		112	661	26	291	=	9	23
	63 44	106 16	53 41	60 09	439 33	85 74		•	77 04	20 00	116 06	:	27 87	136 26
	9			60					9	4		63		
	181 96	426 62	307 20	622 56	8,294 92	1,203 89	78 67	129 21	738 46	331 44	407 87	110 62	A35 60	368 83
-					<u> </u>						-			
	<b>3</b> 3	:	<b>3</b>	<b>9</b>	*	3	¥	99	"	99	9 9	9 9	**	;
Concr	Kichmond street and Concrete sidewalk on the r	Concrete sidewalk on the south side of Prince Arthur arenna	between Bedford road and a pomand sixty-seven feet east of St. Geo Concrete sidewalk on the north side of		inches east of Gla Concrete sidewalk on	Grant street and Concrete sidewalk on	Coner	east Concrete sidewalks on both sides of Rose avenue, between Win-	chester street			Concrete sidewalk on the east side of Sherbourne street,	cween a point distant nive hundred and eighty-seven feet four inches north of (Jueen street, and Wilton avenue Concrete sidewalk on the east side of Sincos street, bathwash	Station street
3989	3990	3991	3992	3993	3994	3995	3996	3997	3998	3999	4000	4001	4002	
		2-	-21											

SCHEDULE B.—Continued.

Rate of Interest.		32	-fc7	- CO	400	160	35	37	33	eg.	-401 CO	Tr.	₹°
Period of Payment.		10	10	10	10	10	10	10	10	10	10	10	10
Amount to be borne by Rate- payers.	<b>60</b>	81 18	3,080 07	1,328 35	1,869 09	464 66	347 25	471 13	68 64	507 10	476 60	266 37	863 45
Amount of Amount to be borne debt be borne by City.  Amount to be borne by Rate-payers.	<del>60</del>	43 00	200 000	158 02	51 61	30 86	22 20	20 98	68 65	66 37	164 00	98 01	204 58
Amount of debt created.	₩	124 18	3,585 14	1,486 37	1,920 70	495 52	369 45	556 20	137 29	573 47	640 60	364 38	1,068 03
When passed by Council.		March 11, 1901.	99	99	99	<b>)</b> )	*	99	39	*	9 9	99	**
Nature of Work under By-Law.		concrete sidewark on the north side of South drive, between the north limit of lot No 1, and the east limit thereof	Concrete sidewarks on both sides of Spadina avenue, between Spadina crescent and Bloor street.	concrete sidewarks on born sides of Spadina road, between bloor street and Lowher avenue.	concrete stuewarks on nonstage of Spagnia road, between Low-ther avenue and Bernard avenue	Concrete sidewalk on the west side of 35, veorge street, between Russell street and Wilcocks street.		Connecte sidewalk on the east side of St. Vincent street, between Grenville street and Grossenor street	Concrete sidewalk on the east side of Walmer road, between	Bloor street and the north limit of house No. 13, Walmer road	Huron street and Spading avenue.	Spading avenue and Robert street	tween Parliament street and Sumach street.
No. of By-law.	000	4003	4004	400g	4000	4008		4009	4011	0107	2104	6104	*10*

SCHEDULE B.—Continued.

Rate of Interest.		482		සු <sub>2</sub>	37	35	- 10	(C)	de1	क्	31	4	5	\$0 \$0 \$0	65 462	6.5 -40.1	460	क्ट
Period of Payment.		10		10	10	10	9	OT _	10	10	10		· ·	07	5	ಣ	<u>ග</u>	īO
Amount to be borne by rate- payers.	<b>69</b> →	3,797 43		5,122 11	15,008 00	5,515 39	0 0 0	0,009 42	3,327 81	3,784 00	9,479 00		000	1,096 95	831 72	1,043 78	833 93	2,608 04
Amount to be borne by city.	<b>66</b>	1,979 41		2,016 65	2,122 12	4,899 62	170	1,347 ZU	1,872 76	1,132 29	3.713 10			638 22	393 45	468 37	421 86	828 41
Amount of Debt created.	600	5,776 84		7,138 76	17,130 12	10.415 01	000	7,900 62	5,200 57	4,916 29	13.192.10		1	1,735 17	1,225 17	1,512 15	1,255 79	3,436 45
When passed by Council.	March 25, 1901	**		**	99	99	*	0	99	99	99	1		9	33	3	3	9
Nature of Work under By-Law.		Aspnait pavement on Mercer street, between John street and Peter street	Asphalt pavement on Prince Arthur avenue, between St George street and a point distant two hundred feet and three in-	ches east of Bedford road	Aspnait pavement on Spauma road, between bloof street and Bernard avenue	Asphalt pavement on Sussex avenue, between Spadina avenue and Borden street	Brick pavement on Front street, between York street and Sim-	goe street		Brick pavement on Manning avenue, between Ulster street and Harbord street	Brick pavement on Niagara street, between Bathurst street and King street	Brick pavement on West Lodge avenue, between Queen street	.0	thereof	South Drive	Macadam pavement on Front street, between George street and Sherbourne street	Macadam pavement on Grange road, between Beverley street and McCaul street	Macadam pavement on North street, between St. Mary street and Bloor street
No. of By-Law.		Aspnair	Asphalt	ch	Aspnalt	Asphalt	Brick pa	coe Brick pa	Chr	Brick pa Ha	Brick pa	Brick pa	and	the	Sou	Macadam	Macadam	Macadam

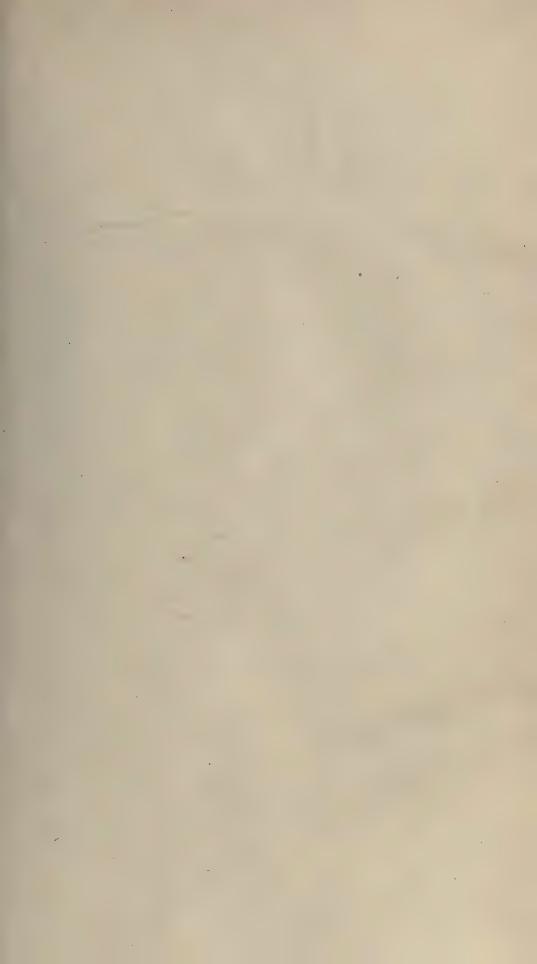
770
$\sim$
മ
-35
- 3
-55
_
.55
- 600
40
(~)
-
0
~~
$\sim$
-
- 2
- 8
M
-
P
<b>63</b> 1
_
-
_
-
200
$\overline{}$
_
40.70
-
97
$\sim$
8

Rate of interest.			र्द्ध .	401	ries es	F.	N -400	्र च्	es.	-65 -462	33.	es .	ର	400
Period of payme't.		10	10	20	ro	70	ī.	ಣ	က	īQ.	20	က	භ	64
Amount to be borne by Rate-payers.	69	8,845 09	2,444 45	2,060 40	2,612 27	601 15	2,113 90	464 71	1,994 55	3,370 15	614 25	746 50	109 00	482 19
Amount to be borne by City.	<b>9</b>	4,528 00	1,988 86	445 92	534 81	179 45	903 50	309 81	569 30	4,344 45	230 86	476 28	91 62	82 623
Amount of debt created.	<b>%</b>	13,373 09	4,433 31	2,506 32	3,147 08	780 60	3,017 40	774 52	2,563 85	7,714 60	845 11	1,222 78	200 62	711 97
When passed by Council.		April 9, 1901.	99	99	39 .	39	"	99	9	99	3	*	*	99
Nature of work under By-Law.	Brick navement on Markham street hetween Queen street and	Arthur street	and Palmerston Cedar block pavemen	street and Arthur street.  Macadam pavement on Davenbort road. between Avenue road	and a point distant six hundred and thirty-six feet west thereof.	avenue and a point distant two hundred and ninety-four feet east thereof	0	Maradam pavement on McDonnen square, Detween Barnurst Maradam pavement on McKapric present helmon Decount.	Macadam navement on Shadina avenue between Front etreet	and King street.  Cobble stone pavement on Faronhar's lane, between Front	street and Esplanade street	rk crescent.	side of Eden place, between Eathurst street and the east end of Eden place	
No. of By-Law.	4066	4067	4068	4069	4070		4071	4073	4074	4075	4076	4077	4078	

e	es des	0.0 —40:	400	30		6.5 -463	क्ष	00 −€01	±0.5	202	8
63	10	10	10	10		10	10	10	10	10	10
197 00	448 89	773 49	701 80	446 86		1,719 60	954 46	168 80	491 58	161 94	411 90
39 07	237 10	168 46	142 00	138 35		793 92 1	148 90	256 66	151 25	46 08	•
236 07	682 99	941 95	843 80	585 21		2,513 52	1,103 36	425 46	642 83	242 91	411 90
April 9th, 1901	*	*,	*	**		\$ 63	. 1	**	99	99	•
April 90											
Weod curbing on the west side of Seaton street, between Queen street and Wilton avenue.	Сопе	of No. 80  Commerce silvanely in the morth side of Remarks even in front		Conc	Yonge street and West Market street (excepting on the south side, from west side of Church street to a point two hundred and ninety-eight feet west; and from east side of Yonge street to a point thirty-four feet ten inches east; on the north side, from west side of Loader lane to a point ninety feet four inches west; and from east side of Yonge street to a noint one hundred and sixty feet four inches	cast; and 28½, and oly walks are a	Concr	Walmer Road			
4080	4031	4089	4083	4084		4085	4086	4087	4088	4089	

SCHEDULE B.—Continued.

4090 Con Brio	Makesan of meeting and the Day I am	Whon nocood	Amount	Amount	to be borne	Period	Dake
	Nature of work under Dy-Law.	by Council.	of debt created.	to be borne by City.	by Rate- payers.	of payme't.	interest,
	Connecte advants on the east aids of Vorses street between		<b>99</b>	***	<b>₩</b>		
_		April 9, 1901.	792 11	87 40	704 71	10	3-
4009 Loo		3	351 73	15 83	335 90	10	33
	the cost of certain sewers laid down in the year 1900	33	1,261 28	400 46	860 82	10	37
	the cost of certain cedar block pavements laid down in the year 1900	<b>:</b>	12,772 18	4,259 58	8,512 60	ى	eg.
	Local improvement dependives to derray the racepayers snake of the cost of certain wooden sidewalks laid down in the year 1900.	ä	11,029 10	1,479 52	9,549 58	ಣ	ਲੰ
4095 Loca	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the	,					3
4096 Loca	year 1900  Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the	ţ	2,815 69	567 81	2,247 88	ಣ	<del>d</del> ia
4098 Asp	year 1900	3	2,552 83	651 66	1,901 17	က	**
4110 Loca		April 22, 1901 27,644 47	27,644 47	14,495 47	13,149 00	10	ರ್ಣ
-	amounts, being the ratepayers' share, named in certain local improvement by-laws.	July 15th, 1901 421,572 79	421,572 79	•	421,572 79	various	ದ್ದೇ
	Consoldating the city's snare or the amounts named in certain local improvement by laws	*	161,454 42 161,454 42	161,454 42	•	10	35



5th Session, 9th Legislature, 2 Edward VII., 1902.

BILL.

An Act respecting the City of Toronto.

First Reading, 28th January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Foy.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty. TORONTO: An Act to amend the Act incorporating The Ontario
— Ship Railway Company, and the Act 60 Victoria,
chaptered 94.

WHEREAS, The Ontario Ship Railway Company was duly Presmble. incorporated by the Act 55 Victoria, chaptered 97, and

empowered to construct the works in the said Act mentioned within the time thereby limited; and whereas, by the Act 60 5 Victoria, chaptered 94, the said Act was amended extending the time for commencing and completing the said works as therein set forth; and whereas, notwithstanding that a large sum of money has been expended in the making of exploratory surveys and otherwise, yet, owing to the delay which has

10 occurred in the deepening, enlarging and otherwise improving the St. Lawrence Canal System, upon which the success of the company's undertaking materially depends, the said company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the said

15 works and the operation of the railway; and whereas, some of the provisional directors named in the said Act are now dead and others have left Canada and the number of directors named in section 6 thereof is deemed too large for the economical and practical management of the company;

20 and it has by its petition prayed that the time for the commencement and completion of its undertaking may be extended, the names of new provisional directors inserted and the number of permanent directors reduced; and whereas, it is expedient to grant the prayer of the said petition;

25 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the Act passed in the 55th year of the reign 55 V. c. 97, of Queen Victoria, chaptered 97, is hereby repealed and the 4 4 repealed. 30 following enacted in lieu thereof:—

"4. Hugh Blain, Kivas Tully, Hon. Samuel Casey Wood, Provisional John Flett and Joseph Blakeley shall be provisional directors of the said company."

2. Section 6 of the said Act is hereby amended by striking <sup>55</sup> V. c. 97, s. 35 out the word "fifteen" occurring in the 16th line thereof, and substituting therefor the word "seven."

60 V. c. 94, s. 2 repealed.

3. Section 2 of the Act passed in the 60th year of the reign of Her Majesty Queen Victoria, chaptered 94, is hereby repealed and the following enacted in lieu thereof:—

Time for commencement and completion.

"2. If the construction of the said railway and works authorized by the said Act of Incorporation is not commenced and ten per centum of the capital stock expended therefor within three years from the 13th day of April, 1902, and if one single track of the railway is not finished and put in operation within five years from the said last mentioned date, the corporate existence and the powers of the company 10 shall cease—but nothing in the Act or in the said Act of incorporation shall prevent the company from putting down additional tracks after the expiration of the aid five years, and it is hereby authorized and empowered to put down such additional tracks when and as the same may be required for 15 the purposes of the company.



5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act to amend the Act incorporating The Ontario Ship Railway Company, and the Act 60 Victoria, chaptered 94.

First Reading,

, 1902.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMEBON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act incorporating The Ontario Ship Railway Company, and the Act 60 Victoria, chaptered 94.

WHEREAS, The Ontario Ship Railway Company was duly Preamble. incorporated by the Act 55 Victoria, chaptered 97, and empowered to construct the works in the said Act mentioned within the time thereby limited; and whereas, by the Act 60 Victoria, chaptered 94, the said Act was amended extending the time for commencing and completing the said works as therein set forth; and whereas, notwithstanding that a large sum of money has been expended in the making of exploratory surveys and otherwise, yet, owing to the delay which has occurred in the deepening, enlarging and otherwise improving the St. Lawrence Canal System, upon which the success of the company's undertaking materially depends, the said company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the said works and the operation of the railway; and whereas, some of the provisional directors named in the said Act are now dead and others have left Canada and the number of directors named in section 6 thereof is deemed too large for the economical and practical management of the company; and whereas it has been made to appear that capital stock of the company to the amount of \$500,000 has been subscribed and \$50,000 paid thereon; and it has by its petition prayed that the time for the commencement and completion of its undertaking may be extended, the names of new provisional directors inserted and the number of permanent directors reduced; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of the Act passed in the 55th year of the reign 55 V. c. 97, of Queen Victoria, chaptered 97, is hereby repealed and the <sup>8</sup> <sup>4</sup>, repealed. following enacted in lieu thereof:—
- "4. Hugh Blain, Kivas Tully, Hon. Samuel Casey Wood, Provisional John Flett and Joseph Blakeley shall be provisional directors directors. of the said company."

6 amended.

55 V. c. 97, s. 432. Section 6 of the said Act is amended by inserting the words "not less than five or more than" immediately after the word "elect", where the same occurs in the sixteenth line of said section and by inserting after the word "Directors" where the same first occurs in the eighteenth line thereof the words "the number of directors to be so elected shall from time to time be fixed and determined by by-law of the company," and by striking out the words "five of the directors" where the same occur in the twentieth line of said section and inserting in lieu thereof the words "such number of the said directors not less than three as may from time to time be fixed and determined by the by-law of the company."

60 V. c. 94, s. 2 repealed.

3. Section 2 of the Act passed in the 60th year of the reign of Her Majesty Queen Victoria, chaptered \$4, is hereby repealed and the following enacted in lieu thereof:-

Time for commencement and completion .

"2. If the construction of the said railway and works authorized by the said Act of Incorporation is not commenced and ten per centum of the capital stock, being not less than \$50,000, expended therefor within one year from the 13th day of April, 1902, and if one single track of the railway is not finished and put in operation within three years from the said last mentioned date, the corporate existence and the powers of the company shall cease—but nothing in this Act or in the said Act of Incorporation shall prevent the company from putting down additional tracks after the expiration of the said three years, and it is hereby authorized and empowered to put down such additional tracks when and as the same may be required for the purposes of the company.



## BILL.

An Act to amend the Act incorporating The Ontario Ship Railway Company, and the Act 60 Victoria, chaptered 94.

First Reading, 28th January, 1902.

(Reprinted as amended by Railway Committee.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Great Lakes Railway Company.

WHEREAS, The Ontario Ship Railway Company was duly Preamble. incorporated by the Act 55 Victoria, chaptered 97, and empowered to construct the works in the said Act mentioned within the time thereby limited; and whereas, by the Act 60 Victoria, chaptered 94, the said Act was amended extending the time for commencing and completing the said works as therein set forth; and whereas, notwithstanding that a large sum of money has been expended in the making of exploratory surveys and otherwise, yet, owing to the delay which has occurred in the deepening, enlarging and otherwise improving the St. Lawrence Canal System, upon which the success of the company's undertaking materially depends, the said company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the said works and the operation of the railway; and whereas, some of the provisional directors named in the said Act are now dead and others have left Canada and the number of directors named in section 6 thereof is deemed too large for the economical and practical management of the company; and whereas it has been made to appear that capital stock of the company to the amount of \$500,000 has been subscribed and \$50,000 paid thereon; and it has by its petition prayed that the time for the commencement and completion of its undertaking may be extended, the names of new provisional directors inserted and the number of permanent directors reduced; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

<sup>1.</sup> Section 4 of the Act passed in the 55th year of the reign 55 V. c. 97, of Queen Victoria, chaptered 97, is hereby repealed and the s 4, repealed. following enacted in lieu thereof:—

<sup>&</sup>quot;4. Hugh Blain, Kivas Tully, Hon. Samuel Casey Wood, Provisional John Flett and Joseph Blakeley shall be provisional directors directors. of the said company."

55 V. c. 97, s. 6 amended.

2. Section 6 of the said Act is amended by inserting the words "not less than five or more than" immediately after the word "elect", where the same occurs in the sixteenth line of said section and by inserting after the word "Directors" where the same first occurs in the eighteenth line thereof the words "the number of directors to be so elected shall from time to time be fixed and determined by by-law of the company," and by striking out the words "five of the directors" where the same occur in the twentieth line of said section and inserting in lieu thereof the words "such number of the said directors not less than three as may from time to time be fixed and determined by the by-law of the company."

60 V. c. 94, s. 2 repealed.

3. Section 2 of the Act passed in the 60th year of the reign of Her Majesty Queen Victoria, chaptered 94, is hereby repealed and the following enacted in lieu thereof:—

Time for commencement and completion. "2. If the construction of the said railway and works authorized by the said Act of Incorporation is not commenced and ten per centum of the subscribed capital stock, being not less than \$50,000, expended therefor within one year from the 13th day of April, 1902, or if one single track of the railway is not finished and put in operation within three years from the said last mentioned date, then in either of such cases the corporate existence and the powers of the company shall cease—but nothing in this Act or in the said Act of Incorporation shall prevent the company from putting down additional tracks after the expiration of the said three years, and it is hereby authorized and empowered to put down such additional tracks when and as the same may be required for the purposes of the company.

Name of company changed.

The name of the company is hereby changed to and shall hereafter be "The Great Lakes Railway Company."



5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting The Great Lakes Railway Company.

First Reading, 28th January, 1902. Second Reading, 21st February, 1902.

(Reprinted as amended in Committee of the Whole House.

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 23.]

An Act respecting the Town of Toronto Junction.

WHEREAS the municipal corporation of the town of To- Preamble. ronto Junction has by petition represented that By-law number 444 of the municipal council of the said town, in reference to the Western Stock Market Company and the 5 agreement therein referred to, were ratified and confirmed by the Act 63 Victoria, chapter 103 (Ontario); that since such ratification the Union Stock Yards Company, Limited, has been incorporated and has acquired the interest and rights of said first named company under said By-law and agreement 10 and the said municipal council by By-law number 502 and agreements thereby authorized has agreed with said last named company, subject to legislation, ratifying said last mentioned By-law and agreements to extend the times limited for the commencement and completion respectively of the works 15 provided for in said By law 444 and also to extend the privileges therein mentioned to an industry for the manufacture of heet root sugar and to increase the amount of land to be acquired from 35 acres to an amount not being more than 100 acres and to release the company from obligation to employ a 20 special number of men and as to their place of residence and to fix the minimum assessment of the company's property and to provide that the exemption under said By-law number 444 and agreement therein referred to shall not extend to the buildings at present on the lands acquired by the company; 25 and whereas the said corporation has, by said petition, represented that objections have been made that section number 11 of said Act, 63 Victoria, chapter 103, confirming tax sales held in said town is not sufficiently clear in its meaning and has prayed for legislation to remove all doubts as to the applica-30 tion of such section, and has also prayed for the confirmation of certain subsequent tax sales; and whereas, the said corporation has, by its said petition, further represented that it acquired under authority of the Act 53 Victoria, chapter 110, section 4, a number of parcels of land to avoid payment of 35 damages in connection with the works authorized by said Act, and it has held the said lands for a number of years without being able to sell except at a very low price and without deriving any revenue therefrom, and it has prayed that it may be granted power to convey the said lands upon such 40 terms as it may deem advisable; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

By-law 502 relating to Union Stock Yards Co. confirmed.

- 1. By-law number 502 of the municipal council of the corporation of the Town of Toronto Junction entitled "A By-law in reference to the Union Stock Yards Company, Limited," and passed on the 6th day of May, 1901, a copy of which is printed as Sschedule A hereto, and the agreement made between the corporation of the Town of Toronto Junction and the Union Stock Yards Company, Limited, and dated the 6th 10 day of May, 1901, a copy of which is printed as schedule "B" hereto, are ratified, authorized and confirmed, and the said corporation and the said company are declared to have and to have had power to make and to enter into said agreement.
- 2. The Act, 63 Victoria, chapter 103 (Ontario), is amended 15 by striking out the words "thirty-five" in section 6 thereof, and substituting therefor the words "one hundred."

Exemption from tax tion what to include

3. The exemption from taxation provided for in agreements with said company and by-laws in reference thereto shall not extend to dwelling houses nor to any buildings except such as are necessarily used in connection with the industries referred to in said by-laws and agreements, and any dwelling houses upon lands acquired by the company or subsequently erected by the company thereon, together with the lands used in connection with such dwellings, shall remain 25 liable to the usual taxation, and for the year 1902 the company shall not be entitled to any exemption.

A-s-ssment of property of company.

4. Subject as in last section is provided the property of the company within the town used in connection with the industries referred to in said by-laws and agreements shall be assessed for the years 1903 and 1904 at not less than \$300,000, and thereafter at not less than \$400,000.

Closing highway. 5. The corporation shall not because of entering into said agreements or passing said by-laws be bound to close any public highway unless it is deemed in the interest of the corporation so to do, nor shall the corporation be deprived of the right to construct an elevated footway across the lands of the Canadian Pacific Railway Company about half way between Keele and Elizabeth streets under agreement between the corporation and the said railway company, dated the 18th day of 40 November, 1889, and said Stock Yards Company shall upon demand by the corporation convey to said corporation sufficient lands for an approach to said elevated footway, the location of said approach to be fixed by the municipal council.

Tax sale.

6. All sales of lands within the said town had before the 45 first day of January 1901, and purporting to be made for arrears of taxes in respect of the lands so sold including sales

of lands which may have been purchased by the council of the said corporation or any one on behalf of the said council under the provisions of The Assessment Act, and all tax deeds purporting to be issued in pursuance of such sales, are hereby 5 validated and confirmed notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes or any failure to comply with the requirements of The Assessment Act, or any error or irregularity in any assessment roll or collector's roll, or in any of such tax deeds, and notwith-

10 standing any failure or omission on the part of any official of the said town to comply with any requirements of The Assessment Act, or Municipal Act, or of any other statute in re-

ference to the matters aforesaid.

7. The treasurer of the said town shall not be bound to sell Mode of 15 for taxes a portion only of any parcel of land shewn on the selling lands for arrears assessment and collector's rolls, because of the fact that a bidder of taxes. at the sale offers to purchase such portion for the amount of taxes and expenses against the whole parcel, but such treasurer may in his discretion sell a different or larger portion or the

20 whole of said parcel for the best price that may be offered by a bidder at said sale, and any money obtained by the treasurer as the price shall be applied, firstly, in paying the arrears of taxes and lawful expenses due in respect of such parcel, and the balance if any, shall be paid by such treasurer to the per-

25 son appearing from the records in the County Registry Office, or in the Office of Land Titles, at Toronto, to be but for such tax sale the owner or interested as mortgagee or otherwise in said lands.

8. The said corporation in dealing with any industrial Assessment 30 establishment hereafter introduced in the town, shall have of industrial similar powers to those contained in sections 6, 7 and 8, of the enterprises. Act 63 Victoria, chapter 103, and the said conporation may enter into agreements with the owners of any manufacturing establishment for the conveyance to them of any lands required

35 by the corporation under authority of the Act 53 Victoria, chapter 110, section 4, or at tax sales or otherwise, and not required for any corporation purpose upon such terms and for such price or fee of cost as the municipal council may deem expedient and it shall be lawful for the corporation to settle 40 the assessment of the property of any manufacturing estab-

lishment within the town both present, and future either in whole or in part at a fixed amount and for such term as such municipal council may deem expedient.

9. The Manhood Suffrage Registration Act, chapter 8, of Rev. Stat. c. 45 the Revised Statutes of Ontario, 1897, shall apply to the said 8, to apply to Town of Toronto Junction.

#### SCHEDULE A.

(Section 1.)

By-LAW NUMBER 502.

A By-law in reference to the Union Stock Yards Company, Limited.

Passed 6th May, 1901.

Whereas the corporation entered into an agreement with the Western Stock Market Company bearing date 12th May, 1898, which said agreement was duly ratified as therein amended by the Act 63 Victoria, chapter 103 (Ontario), and said agreement has been assigned to the Union Stock Yards Company, Limited.

And whereas it is deemed expedient that the times limited in said agreement be extended as hereinafter provided and that the privileges and exemptions therein granted be extended so as to embrace an industry for the manufacture of beet root sugar, and that the acreage mentioned in said agreement be extended from 35 acres to not exceeding 100 acres and that the provisions in said agreement relating to the employment and residence of a specified number of men be eliminated from said agreement the company consenting to a minimum assessment as hereinafter provided.

Be it therefore enacted by the municipal council of the corporation of the Town of Toronto Junction as follows:

- 1. That the time for commencement of the construction of the cattle market, as provided in the hereinbefore in part recited agreement, be extended to 1st May, 1902, and for completion of said cattle market until 1st May, 1903.
- 2. That the privileges and exemptions provided for in said agreement shall extend to an industry for the manufacture of beet root sugar, if such is commenced and completed within the above periods, otherwise the rights under said agreement shall cease as to such beet root sugar industry.
- 3. That the acreage in said agreement be increased from 35 acres to an area not exceeding 100 acres.
- 4. That the said company be released from liability under the provisions in said agreement as to the employment and residence of a specified number of men.
- 5. The above sections shall not come into force or take effect until the Union Stock Yards Company, Limited, shall have executed an agreement in form satisfactory to the town solicitor, agreeing that the assessment of their property for the years 1903 and 1904 shall be at least \$300,000 and afterwards at least \$400,000.
- 6. That the mayor and clerk be authorized to sign and attach the corporate seal to an agreement when so approved by the town solicitor containing the above provisions, and also to an agreement substituting the Union Stock Yards Company, Limited, for the Western Stock Market Company as provided for in said original agreement.
- 7. That this by-law shall not come into force or take effect until the same and said agreement shall be ratified and confirmed by special legislation, which said legislation the corporation will promote and prosecute upon previous payment by the company of the necessary fees to the clerk of the Legislative Assembly, the costs of advertising and other necessary expenses.

#### SCHEDULE B.

(Section 1.)

This Agreement made in duplicate this 6th day of May, 1901 between the corporation of the Town of Toronto Junction, hereinafter called the corporation of the first part and the Union Stock Yards Company, hereinafter called the company of the second part.

Whereas the said corporation entered into an agreement with the Western Stock Market Company, bearing date the twelfth day of May, 1898, pursuant to by-law 444 of the same date.

And whereas the said agreement has been duly ratified as therein amended by the provisions of 63 Victoria, chapter 103.

And whereas the said agreement has been assigned to the Union Stock Yards Company, Limited, with which company and the said Western Stock Market Company, the corporation has entered into an agreement of substitution, bearing even date herewith as provided for in said agreement of the 12th May, 1898.

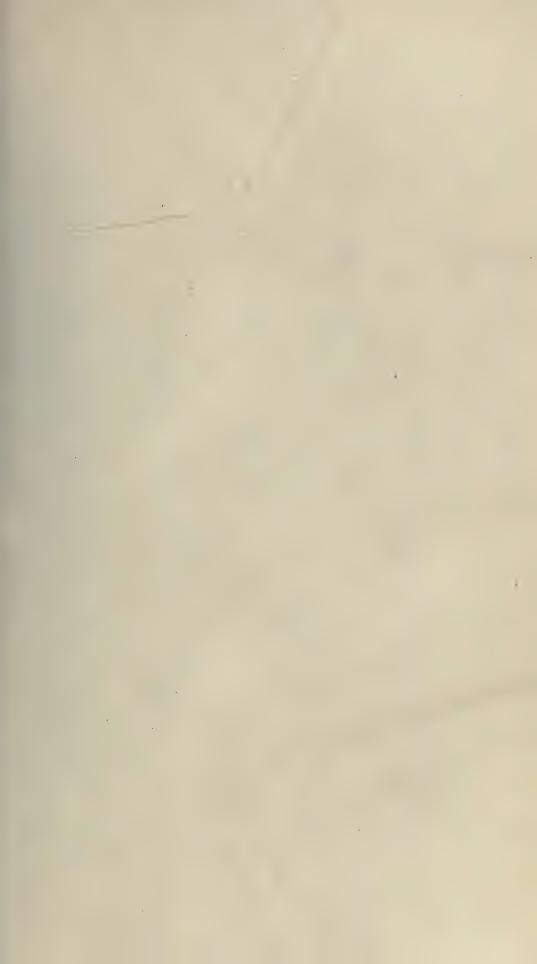
And whereas it is deemed expedient that the times limited in said agreement be extended and that the privileges and exemptions therein granted be extended so as to embrace an industry for the manufacture of beet-root sugar, if situated upon the lands of the said company within the said corporation and that the acreage mentioned in said agreement be extended from thirty-five acres to not exceeding one hundred acres and that the company be released from liability under the provisions in said agreement relating to the employment and residence of a specified number of men.

And whereas by by-law number 502 of the municipal council of said corporation, bearing even date herewith, it was enacted that an agreement should be entered into between the corporation and said company in pursuance thereof.

Now, therefore, it is agreed between the said corporation and the said company, their and each of their successors and assigns, as follows:—

- 1. That the time limited in said agreement of 12th May, 1898, for the commencement of the said works be extended to 1st May, 1902, and for the completion thereof to 1st May, 1903.
- 2. That the privileges and exemptions in said agreement mentioned and granted to the said com any in respect to undertakings therein mentioned be, and the same are, hereby extended, so as to embrace and include an industry for the manufacture of beet-root sugar if situated upon the lands of the said company within the said corporation and if said beet root sugar manufactury is commenced and completed within the times above provided, otherwise all rights under this agreement as to such beet root sugar industry shall cease.
- 3. That the acreage mentioned in said agreement be, and the same is, hereby extended from thirty-five acres to not exceeding one hundred acres.
- 4. That the company are hereby released from liability under the provisions contained in said agreement relating to the number of men to be employed in and about the industries therein mentioned and their place of residence be and the said provisions are hereby eliminated from the said agreement.
- 5. The company covenants and agrees that the assessment of its property within the town for the years 1903 and 1904 shall not be less than \$300,000 and afterwards shall not be less than \$400,00.
- 6. That upon previous payment by the said company of the fees payable to the clerk of the Legislative Assembly for the necessary advertising, the corporation will, as soon as possible promote, encourage and prosecute legislation confirming the said by-law, number 502, and this ag eement made n pursuance thereof and enabling the said corporation to carry the same into effect according to the true intent and meaning thereof. Provided always that until legislation is obtained ratifying the same the said by-law and this agreement in pursuance thereof shall take effect only to such extent as the said corporation may by law have power to make and enter into the same, and that save and except in so far as the same is hereby expressly and effectively varied, the said agreements shall remain in full force and effect.





5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Town of Toronto Junction.

First Reading,

, 1902.

Mr. HILL.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Toronto Junction.

WHEREAS the municipal corporation of the town of To- Preamble. ronto Junction has by petition represented that since the enactment of the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, chaptered 103, The Union Stock Yards Company, Limited, has been incorporated, and has acquired the interests and rights of The Western Stock Market Company referred to in the said Act under the by-law and agreement set forth as schedules to the said Act, and that the said municipal corporation by its by-law numbered 502 and the agreements thereby authorized has agreed with The Union Stock Yards company, subject to legislation ratifying the said last mentioned by-law and agreements, to extend the times limited for the commencement and completion respectively of the works provided for in the schedules to the said Act, and also to extend the privileges therein mentioned to an industry for the manufacture of beet root sugar, and to permit the increase of the amount of land to be acquired from thirtyfive acres to an amount not exceeding a hundred acres, and to release the company from the obligation of employing a specified number of men and as to their place of residence, and to fix the minimum assessment of the company's property, and to provide that the exemption from taxation to be enjoyed by the company shall not extend to the buildings on the lands at the time the same were acquired by the company; and whereas the said municipal corporation has by petition further represented that section 11 of the said Act is not sufficiently clear in its meaning, and has prayed for legislation to remove all doubts as to the application of the said section, and has also prayed for the confirmation of certain subsequent tax sales; and whereas counsel for the committee representing the interests of the holders of the debentures of the said municipal corporation appeared and represented that there was no objection to the legislation on the part of the debenture holders; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

By-law 502 relating to Union Stock Yards Co. confirmed.

1. By-law number 502 of the Municipal Corporation of the Town of Toronto Junction entitled "A By-law in reference to The Union Stock Yards Company, Limited," and passed on the 6th day of May, 1901, a copy of which is printed as Schedule A hereto, and the agreement made between the Corporation of the Town of Toronto Junction and The Union Stock Yards Company, Limited, and dated the 6th day of May, 1901, a copy of which is printed as schedule "B" hereto, are ratified, authorized and confirmed, and the said municipal corporation and the said company are declared to have and to have had power to make and to enter into the said agreement.

63 V. c. 103, s. 6, amended

2. The Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 103, is amended by striking out the words "thirty-five" in section 6 thereof, and substituting therefor the words "one hundred."

Exemption from taxation what to include.

3. The exemption from taxation provided for in the said agreements and by-laws is hereby extended so as to expire at the end of 30 years from the 1st day of January, 1903, but shall not extend to dwelling houses nor to any buildings or lands except such as are necessarily used in connection with the industries referred to in the said by-laws and agreements, and any dwelling houses upon lands acquired by the company or subsequently erected by the company thereon, together with the lands used in connection with such dwellings, shall remain liable to the usual taxation, and for the year 1902 the company shall not be entitled to any exemption.

Assessment of property of company.

4. Subject as in last section provided the property of The Union Stock Yards Company within the said town used in connection with the industries referred to in the said by-laws and agreements shall be assessed for the years 1903 and 1904 at not less than \$300,000, and thereafter at not less than \$400,000.

way.

Closing high- 5 The said Municipal Corporation of the Town of Toronto Junction shall not because of entering into the said agreements or passing the said by-laws be deprived of the right to construct an elevated footway across the lands of The Canadian Pacific Railway Company about half way between Keele and Elizabeth streets, under the agreement between the said municipal corporation and the said railway company dated the 18th day of November, 1889, and The Union Stock Yards Company shall, upon demand by the said municipal corporation convey to the said municipal corporation sufficient lands for an approach to the said elevated footway, the location of the said approach to be fixed by the municipal council, or in the alternative The Union Stock Yards Company may instead of granting the said approach elect upon such demand being made to allow the said municipal corporation to extend such elevated footway

across the lands of the stock yards company to St. Clair avenue by a properly constructed footway along the ridge of the roofs of the company's pens, the supports of the roofs of such pens to be made sufficiently strong by the said stock yards company to support such elevated footway; provided that the elevation of such footway across the lands of the said stock yards company shall not, without the consent of the said municipal corporation, be higher than that portion thereof which crosses the said railway company's lands, and provided also that in the construction of said footway by the said municipal corporation the alleys running through the stock yards shall not be obstructed by supports, but that all alleys of a width of twenty feet and under shall be bridged, the said municipal corporation and the said stock yards company respectively maintaining in repair the portions of the walks to be constructed by them respectively as above mentioned.

- 6. All sales of lands within the said town had before the 4th day of November, 1900, and purporting to be made for arrears of taxes in respect of the lands so sold including sales of lands which may have been purchased by the council of the said exporation or any one on behalf of the said council under the provisions of The Assessment Act, and all tax deeds purporting to be issued in pursuance of such sales, are hereby validated and confirmed notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes or any failure to comply with the requirements of The Assessment Act, or any error or irregularity in any assessment roll or collector's roll, or in any of such tax deeds, and notwithstanding any failure or omission on the part of any official of the said town to comply with any requirements of The Assessment Act, or The Municipal Act, or of any other statute in reference to the matters aforesaid.
- (2) This section shall not apply to any lands being administered under the direction of the Court, except where the tax title to the said lands has been acquired for the purposes of the estate being administered, and nothing in this Act contained shall affect any pending litigation.

#### SCHEDULE A.

(Section 1.)

By-LAW NUMBER 502.

A By-law in reference to the Union Stock Yards Company, Limited.

Passed 6th May, 1901.

Whereas the corporation entered into an agreement with the Western Stock Market Company bearing date 12th May, 1898, which said agreement was duly ratified as therein amended by the Act 63 Victoria, chapter 103 (Ontario), and said agreement has been assigned to the Union Stock Yards Company, Limited.

And whereas it is deemed expedient that the times limited in said agreement be extended as hereinafter provided and that the privileges and

exemptions therein granted be extended so as to embrace an industry for the manufacture of beet root sugar, and that the acreage mentioned in said agreement be extended from 35 acres to not exceeding 100 acres and that the provisions in said agreement relating to the employment and residence of a specified number of men be eliminated from said agreement, the company consenting to a minimum assessment as hereinafter provided.

Be it therefore enacted by the municipal council of the corporation of

the Town of Toronto Junction as follows:

1. That the time for commencement of the construction of the cattle market, as provided in the hereinbefore in part recited agreement, be extended to 1st May, 1902, and for completion of said cattle market until 1st May, 1903.

2. That the privileges and exemptions provided for in said agreement shall extend to an industry for the manufacture of beet root sugar, if such is commenced and completed within the above periods, otherwise the rights under said agreement shall cease as to such beet root sugar industry.

3. That the acreage in said agreement be increased from 35 acres to an

area not exceeding 100 acres.

4. That the said company be released from liability under the provisions in said agreement as to the employment and residence of a specified number of men.

5. The above sections shall not come into force or take effect until the Union Stock Yards Company, Limited, shall have executed an agreement in form satisfactory to the town solicitor, agreeing that the assessment of their property for the years 1903 and 1904 shall be at least \$300,000 and afterwards at least \$400,000.

6. That the mayor and clerk be authorized to sign and attach the corporate seal to an agreement when so approved by the town solicitor containing the above provisions, and also to an agreement substituting the Union Stock Yards Company, Limited, for the Western Stock Market Company as provided for in said original agreement.

7. That this by-law shall not come into force or take effect until the same and said agreement shall be ratified and confirmed by special legislation, which said legislation the corporation will promote and prosecure upon previous payment by the company of the necessary fees to the clerk of the Legislative Assembly, the costs of advertising and other necessary expenses. R. Armstrong, Mayor. W. J. Conron, Clerk.

(Sgd.)

(Sgd.) [Seal]

SCHEDULE B. (Section 1.)

THIS AGREEMENT made in duplicate this 6th day of May, 1901. between the corporation of the Town of Toronto Junction, hereinafter called the corporation of the first part and the Union Stock Yards Company, hereinafter called the company of the second part.

Whereas the said corporation entered into an agreement with the Western Stock Market Company, bearing date the twelfth day of May, 1898, pursuant to by-law 444 of the same date.

And whereas the said agreement has been duly ratified as therein amended by the provisions of 63 Victoria, chapter 103.

And whereas the said agreement has been assigned to the Union Stock Yards Company, Limited, with which company and the said Western Stock Market Company, the corporation has entered into an agreement of substitution, bearing even date herewith as provided for in said agreement of the 12th May, 1898.

And whereas it is deemed expedient that the times limited in said agreement be extended and that the privileges and exemptions therein granted be extended so as to embrace an industry for the manufacture of beet-root sugar, if situated upon the lands of the said company within the said corporation and that the acreage mentioned in said agreement be extended from thirty-five acres to not exceeding one hundred acres and that the company be released from liability under the provisions in said agreement relating to the employment and residence of a specified number of men.

And whereas by by-law number 502 of the municipal council of said corporation, bearing even date herewith, it was enacted that an agreement should be entered into between the corporation and said company in pursuance thereof.

Now, therefore, it is agreed between the said corporation and the said company, their and each of their successors and assigns, as follows:—

- 1. That the time limited in said agreement of 12th May, 1898, for the commencement of the said works be extended to 1st May, 1902, and for the completion thereof to 1st May, 1903.
- 2. That the privileges and exemptions in said agreement mentioned and granted to the said company in respect to undertakings therein mentioned be, and the same are, hereby extended, so as to embrace and include an industry for the manufacture of beet-root sugar if situated upon the lands of the said company within the said corporation and if said beet-root sugar manufactury is commenced and completed within the times above provided, otherwise all rights under this agreement as to such beet-root sugar industry shall cease.
- 3. That the acreage mentioned in said agreement be, and the same is, hereby extended from thirty-five acres to not exceeding one hundred acres.
- 4. That the company are hereby released from liability under the provisions contained in said agreement relating to the number of men to be employed in and about the industries therein mentioned and their place of residence and the said provisions are hereby eliminated from the said agreement.
- 5. That the company covenants and agrees that the assessment of its property within the town for the years 1903 and 1904 shall be not less than \$300,000 and afterwards shall be not less than \$400,000.
- 6. That upon previous payment by the said company of the fees payable to the clerk of the Legislative Assembly for the necessary advertising, the corporation will, as soon as possible promote, encourage and prosecute legislation confirming the said by-law, number 502, and this agreement made in pursuance thereof and enabling the said corporation to carry the same into effect according to the true intent and meaning thereof. Provided always that until legislation is obtained ratifying the same the said by-law and this agreement in pursuance thereof shall take effect only to such extent as the said corporation may by law have power to make and enter into the same, and that save and except in so far as the same is hereby expressly and effectively varied, the said agreements shall remain in full force and effect.

In witness whereof the said parties have caused to be affixed hereto their corporate seals and the hands of their proper officers.

Signed, sealed and delivered in the presence of (Sgd.) C. C. Going.

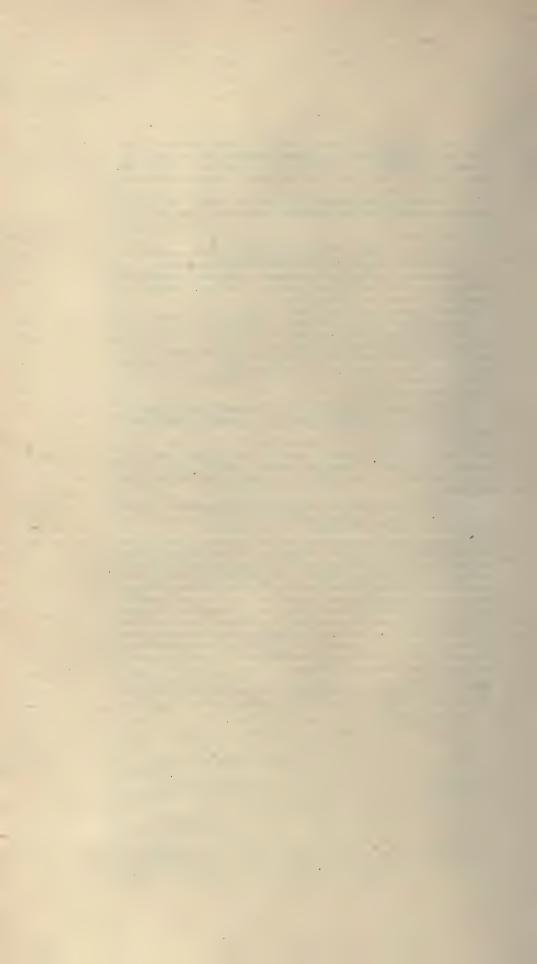
Seal of Company

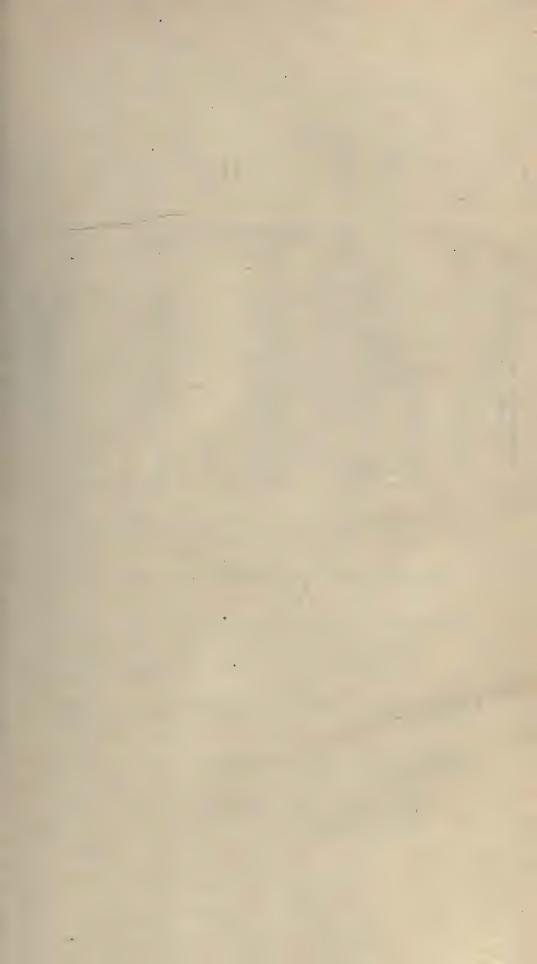
Seal of

Corporation

(Sgd.) JAMES D. ALLAN,
President.
ANDREW DODS,
Secretary.

R. Armstrong,
Mayor.
W. J. Conron,
Town Clerk.





5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Town of Toronto Junction.

First Reading, 4th February, 1902. Second Reading, 17th February, 1902.

Reprinted as amended by Private Bills Committee.

Mr. HILL.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

### An Act to amend the Act to Incorporate Grace Hospital (Homeopathic).

WHEREAS by the Act passed in the 56th year of the reign of Her Late Majesty, Queen Victoria, chaptered 93, Grace Hospital (Homeopathic) was duly constituted and declared a body corporate; and whereas since the passing of the 5 said Act the said hospital has been converted by the trustees into a general hospital, with medical staffs composed of representatives from both the allopathic and homeopathic schools of medicine; and whereas its operations have been greatly increased, and its sphere of influence greatly extended since 10 the said hospital has been conducted as a general hospital; and the trustees by their petition have represented that it is desirable that the number of trustees should be increased to enable the affairs of the hospital to be more satisfactorily conducted, and certain other amendments made to the Act of in-15 corporation; and whereas it is expedient to grant the prayer of the said petition;

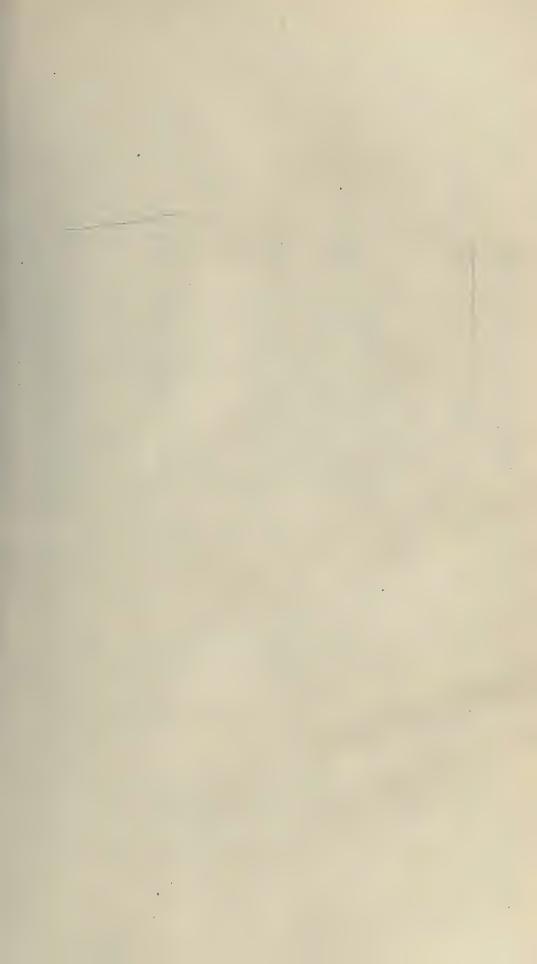
Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

- 1. The said hospital shall hereafter be called and known as pital." "Grace Hospital."
- 2. The present five trustees shall have power to appoint Additional from time to time additional trustees to the number of not more than eight, so that the affairs of the said hospital shall 25 be managed by a board composed of not less than five nor more than thirteen trustees.
  - 3. The said board of trustees shall be known as the Board "Board of Governors," of Governors, and the said trustees shall be designated and known as governors.
- 4. The appointment of additional trustees may be made at trustees to be one time, or from time to time as the present trustees may appointed. deem advisable, and such new trustee or trustees shall be appointed at a regular meeting of the trustees by a majority vote of the trustees, pursuant to the provisions of section 5 of 35 the Act of incorporation for filling a vacancy caused by death

or resignation.

Power to trustees to enact by-laws.

5. The trustees may by by-law enact that subscribers to the funds of the hospital of any sum or sums of money named in the by-law shall be entitled to a vote, and may enact that when such subscribers number five or more they shall be entitled to elect one or more of their number to the Board of 5 Governors, either to complete the number of the said board or to fill any vacancy occurring through death or resignation. Such by laws may define the number of elected governors, and the conditions and terms of office of such elected governor or governors.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to amend the Act to incorporate Grace Hospital (Homeopathic).

First Reading, 1902.

(Private Bill.)

WM. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

### An Act to amend the Act to Incorporate Grace Hospital (Homeopathic).

WHEREAS by the Act passed in the 56th year of the reign of Her Late Majesty, Queen Victoria, chaptered 113, Grace Hospital (Homeopathic) was duly constituted and declared a body corporate; and whereas since the passing of the said Act the said hospital has been converted by the trustees into a general hospital, with medical staffs composed of representatives from both the allopathic and homeopathic schools of medicine; and whereas its operations have been greatly increased, and its sphere of influence greatly extended since the said hospital has been conducted as a general hospital, and the trustees by their petition have represented that it is desirable that the number of trustees should be increased to enable the affairs of the hospital to be more satisfactorily conducted, and certain other amendments made to the Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

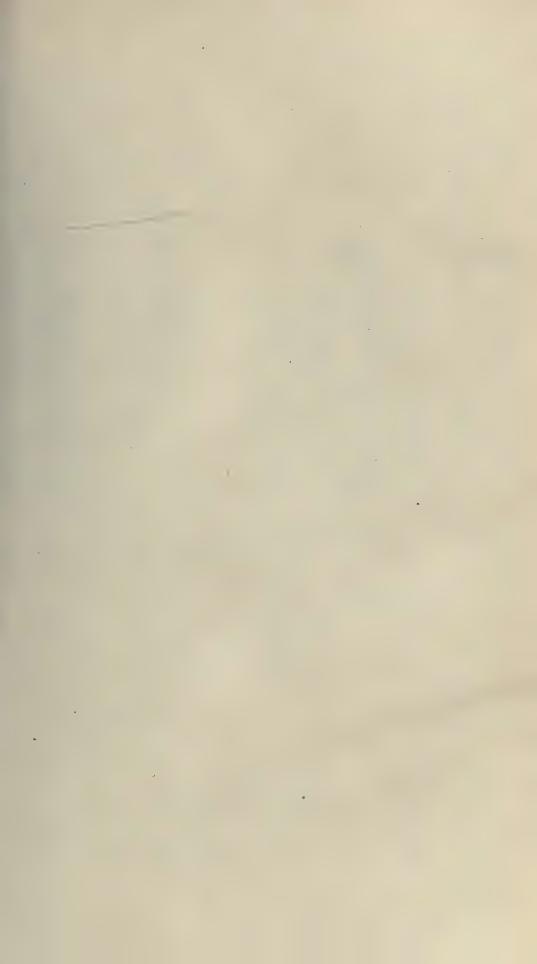
Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

- "Grace Hos-1. The said hospital shall hereafter be called and known as pital. "Grace Hospital."
- 2. The trustees shall have power to appoint from time to Additional time additional trustees to the number of not more than eight, so that the affairs of the said hospital shall be managed by a board composed of not less than five nor more than thirteen trustees.

- 3. The said board of trustees shall be known as the Board "Board of Governors," of Governors, and the said trustees shall be designated and known as governors.
- 4. The appointment of additional trustees may be made at trustees to be one time, or from time to time as the trustees may deem appointed. advisable, and such new trustee or trustees shall be appointed at a regular meeting of the trustees by a majority vote of the trustees, in the manner provided by section 5 of the said Act of incorporation, for filling a vacancy caused by death or resignation.

Power to trustees to enact by-laws.

5. The trustees may by by-law enact that subscribers to the funds of the hospital of any sum or sums of money named in the by-law shall be entitled to a vote, and may enact that when such subscribers number five or more they shall be entitled to elect one or more of their number to the Board of Governors, either to complete the number of the said board or to fill any vacancy occurring through death or resignation. Such by laws may define the number of elected governors, and the conditions and terms of office of such elected governor or governors.



5th Session, 9th Legislature, .
2 Edward VII., 1902.

BILL.

An Act to amend the Act to incorporate Grace Hospital (Homeopathic).

First Reading, 23rd January, 1902.

Mr. Pyne.

(Reprinted as amended by Private Bills Committee.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### An Act respecting the Town of Goderich.

HEREAS the corporation of the town of Goderich has, Preamble. VV by its petition, represented that the said corporation is desirous of developing and encouraging the facilities and advantages of the situation upon Lake Huron, of the said town 5 as a summer resort, and to this end have passed a by-law, entitled "By-law No. 9, 1901, of the town of Goderich, in the County of Huron, to authorize the Corporation of the said Town to borrow the sum of \$10,000 and to lend the same to a hotel Company for the erection and establishment at the 10 said town of a hotel to accommodate what are called Summer guests," authorizing the loan of ten thousand dollars for the purpose of aiding in the establishment at the said Town of a large hotel fitted to supply accommodation to those who resort to the said town in the summer months, the present 15 accommodation having proved quite inadequate; and whereas it appears by the said petition that the said by-law was carried by a vote of the duly qualified ratepayers in the said town of 410 for and only 84 against, and that the establishment of the said hotel will probably considerably increase the 20 value of property in the said town, and be of benefit generally to the said town; and whereas the said corporation of the town of Goderich has by its said petitions prayed that the said by-law (hereinafter set forth) may be confirmed and declared to be legal and valid; and whereas it is considered ex-25 pedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The said by-law No. 9 for 1901 of the corporation of the By-law to 30 Town of Goderich, intituled as set forth in the preamble to company this Act and as set forth in the Schedule A to this Act is confirmed. hereby confirmed and declared to be valid and binding from the time of the final passing thereof to all intents and purposes, and the said the corporation of the Town of Goderich is de-35 clared to be authorized by the said by-law to raise by way of loan the sum of \$10,000 by the issue of debentures for that amount as is in the said by-law set forth, and to pay the same by way of loan to the person or persons about to build and establish the said hotel, as set forth in the said by law, and to 40 levy and raise an annual rate on all the rateable property

within the said town sufficient to pay the said debentures and the interest thereon as in the said by-law is set forth. And all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law are hereby declared to be valid and binding, anything in any Act 5 to the contrary notwithstanding.

#### SCHEDULE A.

By Law No. 9 of 1901, of the Town of Goderich, in the County of Huron, to authorize the corporation of the said town to borrow the sum of \$10,000, and to lend the same to a hotel company for the erection and establishment at the said town of a hotel to accommodate what are called summer guests.

Whereas application has been made to the Municipal Council of the said town by one William H. Smith, stating that he and his associates are prepared to erect and carry on a summer hotel in the said town, large enough to accommodate not less than two hundred guests, and to be so constructed as to be suitable for families in winter, and to be ready for the summer season of the year 1902, providing the said town will lend him or them the sum of \$10,000 for a period of ten years, without interest, and will also give remission of taxes (except school tax) upon improvements; and whereas the town is situated upon the eastern shore of Lake Huron in a situation favorable for the development of what is commonly known as a summer resort, and such development would materially enhance the value of property in the said town and its vicinity, and it is considered desireable by the said council to comply with the said request for a loan upon the additional particulars and conditions hereinafter set forth; and whereas it is the intention if this by-law is passed by the rate-payers, to apply for a special act of the legislature of the Province of Ontario, validating the same and that until such validation, no action shall be taken hereunder; and whereas it will be necessary for the purposes aforesaid to raise by way of loan the said sum of \$10,000 upon the security of the debentures of the said the corporation of the Town of Goderich; and whereas the amount of the whole rateable property of the said municipality according to the last revised and equalized assessment roll, is the sum of \$1,197,105.00; and whereas the amount of the existing debenture debt of the said municipality is now the sum of \$178,246.63 and no principal or interest is in arrear; and whereas the total amount of the debt intended to be created by this by-law for the purposes aforesaid, is the said sum of \$10,000; and whereas the total amount required to be raised annually by special rate upon the taxable property within the said municipality for paying such new debt and interest, are the several sums hereinafter specified and directed to be levied annually during the period of ten years next after the passing of this by-law for the repayment of the principal and interest.

1. Be it therefore enacted and it is hereby enacted by the municipal council of the said the corporation of the Town of Goderich, that it shall be lawful for the mayor and treasurer for the time being of the said town, to borrow from any person or corporation willing to lend the same, the said sum of \$10,000 for the purpose of lending the same to the person or persons or corporate body, as the case may be, who shall undertake the erection and establishment of the said hotel upon the conditions hereinafter expressed, and to issue therefor the debentures of the said corporation of the Town of Goderich for sums of not less than \$100 each with coupons attached for the payment of interest which said debentures shall be signed by the mayor and treasurer of the said town and sealed with the corporate seal, and the lender shall pay the money loaned upon the security of the said debentures unto the branch, or agency of the branch

of Montreal at the said Town of Goderich, and the same shall be payable out only upon the joint cheque or cheques of the said mayor and treasurer and shall be exclusively applied for the purposes aforesaid.

2. And for the repayment of the said sum of \$10,000 and interest thereon at the rate of four per cent. per annum. there shall be assessed and levied over and above all other rates and taxes upon the whole taxable property within the said municipality during every year for the said period of ten years next after the passing of this by-law, and the confirmation thereof by the said the Legislative Assembly of the Province of Ontario, the following sums, namely:—

In the year 1902 the sum of \$1,200.61. In the year 1903 the sum of \$1,200.61. In the year 1904 the sum of \$1,200.61. In the year 1905 the sum of \$1,200.61. In the year 1906 the sum of \$1,200.61. In the year 1907 the sum of \$1,200.61. In the year 1908 the sum of \$1,200.61. In the year 1909 the sum of \$1,200.61. In the year 1910 the sum of \$1,200.61. In the year 1911 the sum of \$1,200.61. In the year 1911 the sum of \$1,200.61.

for the purpose of repaying the said principal sum of \$10,000 and interest thereon at the rate aforesaid.

3. This by-law shall come into full force and effect immediately upon obtaining confirmation thereof by the said the Legislative Assembly of the Province of Ontario by a private bill to be introduced at the next session thereof for such purpose.

4. Upon obtaining the sanction as aforesaid of the said Legislature it shall be lawful for the mayor of the said town to lend the said sum of \$10,000 to the said person or persons or body corporate, proposing to erect and establish the said hotel for the said period of ten years from the first day of July, 1902, repayable without interest, such loan to be secured by a first mortgage upon the lands, buildings and other the property comprising the said proposed hotel, and by insurance policies thereon in favor of the said the Corporation of the Town of Goderich, to such an amount as can in the usual course be obtained thereon, the premiums to be paid from time to time by the said borrower and the insurance companies to be selected and approved of by the said mayor.

5. The said loan shall not be advanced or paid over until the said hotel is completed and furnished ready for occupation as a hotel ready for the reception of guests, provided however that after this by-law shall have been confirmed by the said Legislature, the said the mayor may advance up to 50 per cent of the value of the land and the buildings and erections thereon in the course of completion for the purposes of the said hotel, and the balance upon completion thereof as aforesaid, such advance up to 50 per cent to be made upon a certificate or certificates in writing satisfactory to the said mayor stating the value aforesaid. It shall be erected, furnished and maintained throughout the said period of ten years as a first-class hotel, supplying first-class summer hotel accommodation for at least two hundred guests, shall cost not less than \$16,500.00 for land and buildings, and shall be kept open in each summer season, during the said period of ten years, for a period of not less than twelve weeks, during the summer season and for such further period during the balance of the year, as there shall be trade or custom therefor, including the use of the said hotel for a winter family trade.

6. The said mortgage shall contain convenants and agreements to carry out the foregoing conditions together with such further and other covenants, agreements, provisoes and conditions as the mayor and solicitor for the said town shall deem advisible for the due and sufficient protection of the said town in making the said loan and no part of the said loan shall be paid over till the said mortgage has been duly settled and executed by all necessary parties thereto.

7. Out of the said loan shall be paid all the expenses incurred by the said town in submitting this by-law to the ratepayers and in the said

application for a special Act confirming the same.

8. That the votes of the electors of the said municipality entitled to vote for or against this by-law shall be taken on Monday the 21st day of October, 1901, commencing at the hour of nine of the clock in the forenoon and closing at the hour of five of the clock in the afternoon, and such poll shall be taken in the various polling places in which the poll in the last municipal election was held, namely, polling subdivision Number I, at Mc Clymond's wagon shop, James Breckenridge, deputy returning officer.

Polling subdivison Number 2, at Thomas Videan's Feed Store, Charles

Bates, deputy returning officer.

Polling subdivision Number 3, at the town hall, Edward Van Every, deputy returning officer.

Polling subdivision Number 4, at J. B. Runciman's Machine Shop, John F. Bates, deputy returning officer.

Polling subdivision Number 5, at Mrs. Walton's Shop, David Warnick, deputy returning officer.

Polling subdivision Number 6, at Brophey's Furniture Store, Harry Watson, deputy returning officer.

Polling subdivision Number 7, at James Hays dwelling house John Bain, deputy returning officer.

9. That the clerk of the said corporation shall attend at the town hall in the said town on Tuesday the 22nd. day of October, 1901, at eleven o'clock in the forenoon to sum up the number of votes given for and against this by law, and the mayor will attend at the said town hall on Saturday, the 19th day of October, 1901, at the hour of eleven o'clock in the forenoon for the appointment of persons to attend at the various polling places and at the final summing up of the said votes by the clerk, on behalf of persons interested in promoting or opposing the passing of this by-law respectively.

Finally passed in open council this 15th day of November, 1901.

(Sgd.) WM. MITCHELL,

(Sgd ) JAMES WILSON, [Seal]

Clerk.

Mayor.



No. 25.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## PILL

An Act respecting the Town of Goderich.

First Reading,

1902.

(Private Bill)

M<sub>r</sub>

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### An Act respecting the Town of Goderich.

HEREAS the Corporation of the Town of Goderich has, Preamble. by its petition, represented that the said corporation is desirous of developing and encouraging the facilities and advantages of the situation upon Lake Huron of the said town as a summer resort, and to this end has passed a by-law, entitled "By-law No. 9, 1901, of the Town of Goderich, in the County of Huron, to authorize the Corporation of the said Town to borrow the sum of \$10,000 and to lend the same to a hotel company for the erection and establishment at the said town of a hotel to accommodate what are called summer guests," authorizing the loan of ten thousand dollars for the purpose of aiding in the establishment at the said town of a large hotel fitted to supply accommodation to those who resort to the said town in the summer months, the present accommodation having proved quite inadequate; and whereas it appears by the said petition that the said by law was carried by a vote of the duly qualified ratepayers in the said town, of 410 for and only 84 against, and that the establishment of the said hotel will probably considerably increase the value of property in the said town, and be of benefit generally to the said town; and whereas the Corporation of the Town of Goderich has by its said petitions prayed that the said by-law (hereinafter set forth) may be confirmed and declared to be legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The said by-law No. 9 for 1901 of the Corporation of the By-law to Town of Goderich, intituled as set forth in the preamble to assist hotel company this Act and as set forth in the Schedule A to this Act is confirmed. hereby confirmed and declared to be valid and binding from the time of the final passing thereof to all intents and purposes, and the said the Corporation of the Town of Goderich is declared to be authorized by the said by-law to raise by way of loan the sum of \$10,000 by the issue of debentures for that amount as is in the said by-law set forth, and to pay the same by way of loan to the person or persons about to build and establish the said hotel, as set forth in the said by-law, and to levy and raise an annual rate on all the rateable property

within the said town sufficient to pay the said debentures and the interest thereon as in the said by-law is set forth. And all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

### SCHEDULE A.

By Law No. 9 of 1901, of the Town of Goderich, in the County of Huron, to authorize the corporation of the said town to borrow the sum of \$10,000, and to lend the same to a hotel company for the erection and establishment at the said town of a hotel to accommodate what are called summer guests.

Whereas application has been made to the Municipal Council of the said town by one William H. Smith, stating that he and his associates are prepared to erect and carry on a summer hotel in the said town, large enough to accommodate not less than two hundred guests, and to be so constructed as to be suitable for families in winter, and to be ready for the summer season of the year 1902, providing the said town will lend him or them the sum of \$10,000 for a period of ten years, without interest, and will also give remission of taxes (except school tax) upon improvements; and whereas the said town is situated upon the eastern shore of Lake Huron in a situation favorable for the development of what is commonly known as a summer resort, and such development would materially enhance the value of property in the said town and its vicinity, and it is considered desireable by the said council to comply with the said request for a loan upon the additional particulars and conditions hereinafter set forth; and whereas it is the intention if this by-law is passed by the rate-payers, to apply for a special act of the legislature of the Province of Ontario, validating the same and that until such validation, no action shall be taken hereunder; and whereas it will be necessary for the purposes aforesaid to raise by way of loan the said sum of \$10,000 upon the security of the debentures of the said the corporation of the Town of Goderich; and whereas the amount of the whole rateable property of the said municipality according to the last revised and equalized assessment roll, is the sum of \$1,197,105.00; and whereas the amount of the existing debenture debt of the said municipality is now the sum of \$178,246.63 and no principal or interest is in arrear; and whereas the total amount of the debt intended to be created by this by-law for the purposes aforesaid, is the said sum of \$10,000; and whereas the total amount required to be raised annually by special rate upon the taxable property within the said municipality for paying such new debt and interest, are the several sums hereinafter specified and directed to be levied annually during the period of ten years next after the passing of this by-law for the repayment of the principal and interest.

1. Be it therefore enacted and it is hereby enacted by the municipal council of the said the corporation of the Town of Goderich, that it shall be lawful for the mayor and treasurer for the time being of the said town, to borrow from any person or corporation willing to lend the same, the said sum of \$10,000 for the purpose of lending the same to the person or persons or corporate body, as the case may be, who shall undertake the erection and establishment of the said hotel upon the conditions hereinafter expressed, and to issue therefor the debentures of the said corporation of the Town of Goderich for sums of not less than \$100 each with coupons attached for the payment of interest which said debentures shall be signed by the mayor and treasurer of the said town and sealed with the corporate seal, and the lender shall pay the money loaned upon the security of the said debentures unto the branch, or agency of the branch

of Montreal at the said Town of Goderich. To the special credit of the said Town of Goderich. And the same shall be payable out only upon the joint cheque or cheques of the said mayor and treasurer and shall be exclusively applied for the purposes aforesaid.

2. And for the repayment of the said sum of \$10,000 and interest thereon at the rate of four per cent, per annum, there shall be assessed and levied over and above all other rates and taxes upon the whole taxable property within the said numicipality during each and every year for the said period of ten years next after the passing of this by-law, and the confirmation thereof by the said the Legislative Assembly of the Province of Ontario, the following sums, namely:—

In the year 1902 the sum of \$1,200.61. In the year 1903 the sum of \$1,200.61. In the year 1904 the sum of \$1,200.61. In the year 1905 the sum of \$1,200.61. In the year 1906 the sum of \$1,200.61. In the year 1907 the sum of \$1,200.61. In the year 1908 the sum of \$1,200.61. In the year 1909 the sum of \$1,200.61. In the year 1910 the sum of \$1,200.61. In the year 1911 the sum of \$1,200.61.

for the purpose of repaying the said principal sum of \$10,000 and interest thereon at the rate aforesaid.

- 3. This by law shall come into full force and effect immediately upon obtaining confirmation thereof by the said the Legislative Assembly of the Province of Ontario by a private bill to be introduced at the next session thereof for such purpose.
- 4. Upon obtaining the sanction as aforesaid of the said Legislature it shall be lawful for the mayor of the said town to lend the said sum of \$10,000 to the said person or persons or body corporate, proposing to erect and establish the said hotel for the said period of ten years from the first day of July, 1902, repayable without interest, such loan to be secured by a first mortgage upon the lands, buildings and other the property comprising the said proposed hotel, and by insurance policies thereon in favor of the said the Corporation of the Town of Goderich, to such an amount as can in the usual course be obtained thereon, the premiums to be paid from time to time by the said borrower and the insurance companies to be selected and approved of by the said mayor.
- 5. The said loan shall not be advanced or paid over until the said hotel is completed and furnished ready for occupation as a hotel for the reception of guests, provided however that after this by-law shall have been confirmed by the said Legislature, the said the mayor may advance up to 50 per cent of the value of the land and the buildings and erections thereon in the course of completion for the purposes of the said hotel, and the balance upon completion thereof as aforesaid, such advance up to 50 per cent to be made upon a certificate or certificates in writing satisfactory to the said mayor stating the value aforesaid. It shall be erected, furnished and maintained throughout the said period of ten years as a first-class hotel, supplying first-class summer hotel accommodation for at least two hundred guests, shall cost not less than \$16,500.00 for land and buildings, and shall be kept open in each summer season, during the said period of ten years, for a period of not less than twelve weeks, during the summer season and for such further period during the balance of the year, as there shall be trade or custom therefor, including the use of the said hotel for a winter family trade.
- 6. The said mortgage shall contain convenants and agreements to carry out the foregoing conditions together with such further and other covenants, agreements, provisees and conditions as the mayor and solicitor for the said town shall deem advisible for the due and sufficient protection of the said town in making the said loan and no part of the said loan shall be paid over till the sail mortgage has been duly settled and executed by all necessary parties thereto.

7. Out of the said loan shall be paid all the expenses incurred by the said town in submitting this by-law to the ratepayers and in the said application for a special Act confirming the same.

8. That the votes of the electors of the said municipality entitled to vote for or against this by-law shall be taken on Monday the 21st day of October, 1901, commencing at the hour of nine of the clock in the forenoon and closing at the hour of five of the clock in the afternoon, and such pol shall be taken in the various polling places in which the poll in the las municipal election was held, namely, polling subdivision Number I, at Mc Clymond's wagon shop, James Breckenridge, deputy returning officer.

Polling subdivison Number 2, at Thomas Videan's Feed Store, Charles Bates, deputy returning officer.

Polling subdivision Number 3, at the town hall, Edward Van Every, deputy returning officer.

Polling subdivision Number 4, at J. B. Runciman's Machine Shop, John F. Bates, deputy returning officer.

Polling subdivision Number 5, at Mrs. Walton's Shop, David Marwick, deputy returning officer.

Polling subdivision Number 6, at Brophey's Furniture Store, Harry Watson, deputy returning officer.

Polling subdivision Number 7, at James Hays dwelling house John Bain, deputy returning officer.

9. That the clerk of the said corporation shall attend at the town hall in the said town on Tuesday the 22nd. day of October, 1901, at eleven o'clock in the forenoon to sum up the number of votes given for and against this by law, and the mayor will attend at the said town hall on Saturday, the 19th day of October, 1901, at the hour of eleven o'clock in the forenoon for the appointment of persons to attend at the various polling places and at the final summing up of the said votes by the clerk, on behalf of persons interested in promoting or opposing the passing of this by-law respectively.

Finally passed in open council this 15th day of November, 1901.

(Sgd.) WM. MITCHELL,

(Sgd ) JAMES WILSON, [Seal]

Clerk.

Mayor.

This is to certify that the within Schedule A as corrected is a true copy of By-law No. 9, 1901, passed by the council of the Town of Goderich on the 15th day of November, 1901.

WM. MITCHELL,

Clerk.

[Seal]



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Town of Goderich.

First Reading, 30th January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Burying Grounds of St. Mary's Methodist Church, the First Presbyterian Church and St. James' Episcopal Church, of the Town of St. Mary's, in the County of Perth.

WHEREAS the trustees of St. Mary's Methodist Church, Preamble. the trustees of the First Presbyterian Church, St. Mary's, and the rector and church wardens of St. James' Episcopal Church, St. Mary's, have by their petition set forth 5 that the properties in the said Town of St. Mary's, heretofore held by the trustees and church wardens of the hereinbefore mentioned churches, were at one time used as burying grounds, and that there are some bodies left in the said grounds; that for many years the said grounds have not been used for the 10 purpose of burial, and many of the families who formerly used the same have acquired burial lots, and removed many of the bodies interred in said burying grounds to other cemeteries; that no bodies have been interred in the said burying grounds or cemeteries for many years, and houses have been built in 15 the immediate vicinity thereof; that the municipal council of the Town of St. Mary's has long since passed a by-law prohibiting further interments within the said burying grounds or cemeteries; that some of the friends and relatives of the persons whose remains are still buried in the said burying 20 grounds or cemeteries cannot be found, and that the same have fallen into great disrepair, and have been entirely neglected, are overgrown with noxious weeds, and have become unsightly; and the aforesaid trustees, rector and church wardens are desirous of obtaining authority to remove the 25 remains of the dead and monuments therefrom, and to grant, lease and sell and convey or dispose of the said lands and premises in such cemeteries in such manner as they may see fit; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees of St. Mary's Methodist Church, the trus- Notice to tees of the First Presbyterian Church, St. Mary's, and the remove remains from rector and church wardens of St. James' Episcopal Church, burying St. Mary's, or such other person or persons, body corporate or grounds.

otherwise, as may represent or hold the lands hereinafter referred to for the last mentioned body, may, during the period of one month, publish a notice in *The Ontario Gazette* and in a newspaper published in the said Town of St. Mary's notifying the friends or relatives of the dead interred in the said burying 5 grounds or cemeteries to remove the bodies therefrom within six months from the first publication of the said notice, and stating their intention, after a date named in such notice, which day shall not be less than six months after the first publication of such notice, to remove the remains, if any, then 10 left in the said burying grounds and the monuments erected thereon.

Removal on expiry of notice. 2. Upon and after the expiration of the said six months the said trustees of St. Mary's Methodist Church, the trustees of the First Presbyterian Church, St. Mary's, and the rector 15 and church wardens of St. James' Episcopal Church, St. Mary's, or such other person or persons, body corporate or otherwise, as may represent or hold the lands hereinafter referred to for the last mentioned body, and their successors, are hereby authorized and empowered to remove in a decent and orderly 20 manner from the said burying grounds or cemeteries to some other established cemetery the remains of any bodies that may not have been removed by friends or relatives, to inter them there, and re-erect any monuments that may mark places of burial of the said remains.

Properties described.

- 3. The properties mentioned and referred to and now owned by the aforesaid trustees or bodies are respectively as follows:—
- (a) That belonging to the trustees of St. Mary's Methodist Church is situate, lying and being in the Town of St. Mary's, in the County of Perth, and being described as Block No. Two, 30 on the south side of Elgin street, in the said Town of St. Mary's, having a frontage on Elgin street of two hundred and sixty-six feet more or less and running in rear two hundred and fifty-two feet more or less to Lot No. Nineteen in the Eighteenth Concession of the Township of Blanshard.
- (b) That belonging to the trustees of the First Presbyterian Church, St. Mary's, is situate, lying and being in the Town of St. Mary's, in the County of Perth, and being described as Lot No. Three on the south side of Elgin street in the said Town of St. Mary's, having a frontage on Elgin street of two hun-40 dred and sixty-six feet more or less and running in rear two hundred and fifty-two feet more or less to Lot No. Nineteen in the Eighteenth Concession of the Township of Blanshard.
- (c) That belonging to the rector and church wardens of St. James' Episcopal Church, St. Mary's or any other body 45 corporate or person or persons who hold the same for the said rector and church wardens is situate, lying and being in the Town of St. Mary's, in the County of Perth, and being described as Lot No. One on the south side of Elgin street in the said Town

of St. Mary's, containing a frontage on Elgin street of two hundred and sixty-six feet more or less and running in rear two hundred and fifty-two feet more or less to Lot No. Nineteen in the Eighteenth Concession of the Township of 5 Blanshard.

4. Upon and after the expiration of six months after the Power to sell last removal from the said burying grounds or cemeteries to of remains. some other established cemetery of the remains of any bodies that may not have been removed by friends or relatives, then

10 it shall and may be lawful for the said trustees of St. Mary's Methodist Church, the trustees of the First Presbyterian Church, St. Mary's, and the rector and church wardens of St. James' Episcopal Church, St. Mary's, or such other person or persons, body corporate or otherwise, as may represent or hold

15 the lands hereinbefore referred to for the last mentioned body, or their successors, are hereby authorized and empowered to grant, lease, sell, convey or dispose of the said lands and premises comprised in such cemeteries or burying grounds and hereinbefore respectively described in such manner as they

20 the said trustees of St. Mary's Methodist Church, the trustees of the First Presbyterian Church, St. Mary's, and the rector and church wardens of St. James' Episcopal Church, St. Mary's, or such other person or persons, body corporate or otherwise as may represent or hold the lands hereinbefore

25 referred to for the last mentioned body may respectively see fit, and are likewise authorized and empowered to make and execute all necessary grants, leases or other conveyances which may be necessary to complete a good title to the said lands and premises to such grantees, lessees or others.

5th Session, 9th Legislature, 2 Edward VII, 1902.

An Act respecting the Burying Grounds of St. Mary's Methodist Church, the First Presbyterian Church and St. James' Episcopal Church of the Town of St. Mary's, in the County of Perth.

(Private Bill).

First

Reading,

, 1902.

Mr. MONTEITH.

TORONTO:
PRINTED BY L. K. CAMEBON.
Printer to the King's Most Excellent Majesty

An Act respecting the Burying Grounds of St. Mary's Methodist Church, the First Presbyterian Church and St. James' Episcopal Church, of the Town of St Mary's, in the County of Perth.

WHEREAS the trustees of St. Mary's Methodist Church, Preamble. the trustees of the First Presbyterian Church, St. Mary's, and the rector and church wardens of St. James' Episcopal Church, St. Mary's, have by their petition set forth that the properties in the said Town of St. Mary's, heretofore held by the trustees and church wardens of the hereinbefore mentioned churches, were at one time used as burying grounds, and that there are some bodies left in the said grounds; that for many years the said grounds have not been used for the purpose of burial, and many of the families who formerly used the same have acquired burial lots, and removed many of the bodi s interred in said burying grounds to other cemeteries; that no bodies have been interred in the said burying grounds or cemeteries for many years, and houses have been built in the immediate vicinity thereof; that the municipal council of the Town of St. Mary's has long since passed a by-law prohibiting further interments within the said burying grounds or cemeteries; that some of the friends and relatives of the persons whose remains are still buried in the said burying grounds or cemeteries cannot be found, and that the same have fallen into great di repair, and have been entirely neglected, are overgrown with noxious weeds, and have become unsightly, and whereas the said trustees and rector and church wardens are desirous that the said lands should be vested in the municipal corporation of the said town for park purposes and the council of the said town have by resolution expressed the desire of the said corporation to accept the said lands for such purposes subject to the provisions hereinafter contained.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. The lands and premises hereinbefore mentioned and re-Burying ground lands

(a) That belonging to the trustees of St. Mary's Methodist town. Church is situate, lying and being in the Town of St. Mary's,

rested in

in the County of Perth, and being described as Block No. Two, on the south side of Elgin street, in the said Town of St. Mary's, having a frontage on Elgin street of two hundred and sixty-six feet more or less and running in rear two hundred and fifty two feet more or less to Lot No. Nineteen in the Eighteenth Concession of the Township of Blanshard.

- (b) That belonging to the trustees of the First Presbyterian Church, St. Mary's, is situate, lying and being in the Town of St. Mary's, in the County of Perth, and being described as Block No. Three on the south side of Elgin street in the said Town of St. Mary's, having a frontage on Elgin street of two hundred and sixty-six feet more or less and running in rear two hundred and fifty-two feet more or less to Lot No Nineteen in the Eighteenth Concession of the Township of Blanshard.
- (c) That belonging to the rector and church wardens of St. James' Episcopal Church, St. Mary's or any other body corporate or person or persons who hold the same for the said rector and church wardens is situate, lying and being in the Town of St. Mary's, in the County of Perth, and being described as Block No. One on the south side of Elgin street in the said Town of St Mary's, containing a frontage on Elgin street of two hundred and sixty-six feet more or less and running in rear two hundred and fifty-two feet more or less to Lot No. Nineteen in the Eighteenth Concession of the Township of Blanshard, are vested in and shall be held by the municipal corporation of the Town of St. Mary's as and for the purpose of a public park for the use of the inhabitants of the said town subject to the provisions hereinafter contained.

By-laws for levelling graves and providing for maintenance. In the said council may by by-law provide that the graves in the said park shall be levelled with the surrounding soil and sodded over, and that any fence or shrubbery surrounding the same may be removed, and that the flat headstones to any graves in such park shall be laid flat upon the graves on proper foundations, but except for such purpose the remains of the dead interred in the said park shall not be disturbed or removed, nor shall any pillar or monumental design erected to the memory of the dead be removed or disturbed except with consent or at the request of the friends or relatives of the deceased.

Provision for maintenance out of annual rates. from time to time by by-law provide for the expenditure out of the annual rates such sums as the said council may deem necessary for the purpose of beautifying the said park and providing for its maintenance and for the preservation of such pillars and monuments and for the expenses incurred in procuring the passing of this Act.

Relatives and friends and relatives of any deceased person whose remains are interred in the said park may at any time within two years from the date of the passing of this Act, dis-inter

such remains and remove the same in a decent and orderly manner together with any headstones or monuments elected to the memory of such deceased person to some other established cemetery for reinterment therein; but after the expiration of the said period of two years no remains shall be removed from the said park except with the consent and subject to the regulations of the said municipal council.

5. The said municipal council of the town of St. Marys Notice of pershall within three months after the passing of this Act cause mission to to be published in at least four issues of The Ontario Gazette remains. and of a newspaper published in the said town, a notice to friends and relatives of persons whose remains are interred in the said lands of the date of the passing of this Act, and stating that such remains and any headstones or monuments erected on the said land, may be removed by such friends or relatives within a period of two years after the said date.

5th Session, 9th Legislature, 2 Edward VII, 1902.

## BILL.

An Act respecting the Burying Grounds of St. Mary's Methodist Church, the First Presbyterian Church and St. James' Episcopal Church of the Town of St. Mary's, in the County of Perth.

First Reading, 21st January, 1902.

(Reprinted with suggested amendments for Private Bills Committee..)

Mr. MONTEITH.

TORONTO:
PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty

An Act to enable the Trustees of the Jane Laycock Orphanage to sell certain lands in the county of Brant.

WHEREAS Charles Cockshutt of the City of Toronto, Preamble. County of York, merchant and Mary Margaret Kippax, of the City of Brantford, in the County of Brant, married woman, have by their petition represented that Jane Laycock late 5 of the Township of Brantford, in the County of Brant, widow, deceased, made her last will and testament in writing in manner and form set forth in Schedule A to this Act, and departed this life on or about the twenty eighth day of April, 1890, without having in any way altered or revoked her said will, 10 probate whereof was on the tenth day of June, 1890, duly granted by the Surrogate Court of the County of Brant, to the said Ignatius Cockshutt the executor therein named who duly paid and satisfied the just debts, funeral and testamentary expenses of the said testatrix and the legacies contained 15 in her said will and fully administered her estate except as to the gift and devise for the maintenance and endowment of the said school in the said will mentioned; that the provision in the said will made for the maintenance and endowment of the said school being void under the laws then in force in the Pro-20 vince of Ontario commonly known as the Statutes of Mortmain so far as the said provision related to the gift and devise of the real estate of the said testatrix the indenture set forth in Schedule B to this Act was made and entered into by the parties therein named; that the party of the third part in the 25 said indenture mentioned departed this life on or about the thirteenth day of May, 1892, and the said Ignatius Cockshutt departed this life on or about the first day of March, 1901; that after the making of the said indenture the said lands were from time to time during the lifetime of the said Igna-30 tius Cockshutt and up to the time of his death leased and the rentals derived therefrom received by the said Ignatius Cockshutt and where by him applied to the maintenance of the said school but the said rentals were never sufficient for the said purpose, but that the said Ignatius Cochshutt was 35 during his life obliged to supplement and did supplement the same year by year by contributions from his own funds; that on account of the long period during which the farm lands comprised in the said trust have been in the occupation of tenant farmers the same have become run down and depre-40 ciated in value and the revenue therefrom reduced, and in

order to keep the same and the lands in the City of Brantford comprised in the said trust in repair, will require a large expenditure that can be made out of revenue only; that on account of the condition and situation of the said properties and the expenditure required to be made thereon for main- 5 tenance and repairs and of the uncertain amount of revenue derivable therefrom from time to time they consider it advisable in the interest of the said trust that they should be given the power to sell the said lands for the best price obtainable therefore, and to invest the proceeds in securities yielding a 10 more uniform annual revenue; that there is doubt whether under the provisions of the said will and indenture the said lands can be sold by the said trustees; and whereas the said petitioners have by their petition prayed that an act may be passed enabling them to sell the said lands; and whereas 15 it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

Lands vested purposes of will.

1. The said lands mentioned in the said will and indenture 20 in trustees for are declared to be vested in the said Mary Margaret Kippax and Charles Cockshutt the trustees above named and such other person or persons as may for the time being, be trustee or trustees under the said will and indenture in fee simple upon the trusts and for the purposes in the said will and 25 indenture set forth.

Power to well.

2. The said Mary Margaret Kippax and Charles Cockshutt, the trustees above named or such other person or persons as may for the time being be trustee or trustees under the said will and indenture, shall have power to sell the said lands in 30 such parcels and in such manner and on such terms as they or he may deem best and to confer on any purchaser or purchasers thereof or of any part thereof a good title to the same or in fee simple.

Application of proceeds.

3. The proceeds arising from the sale of said lands or any 35 part thereof after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof shall be invested and kept invested by the said trustees or their successors in office from time to time in such securities as trustees are by law allowed to invest in and the said 40 trustees and their successors shall stand possessed of the said proceeds and the investments from time to time representing the same, and the income arising therefrom upon the like trusts and for the like purposes as those upon which the said lands are now held.

### SCHEDULE A.

This instrument witnesseth that I, Jane Laycock, widow (of the late Alfred Laycock), of the Town and Township of Brantford, in the Province of Canada, being of sound and disposing mind, do make, publish and declare this to be my last will and testament hereby revoking and making null all last wills and testaments.

My will is first that my funeral charges and just debts shall be paid by my executor hereinafter named.

The residue of my estate and property which shall not be required for the payment of my just debts, funeral charges and the expenses attending the execution of this my will and the administration of my estate I give, devise and dispose thereof as follows, to wit: I give and devise my farm in the Township of Brantford on the Mount Pleasant road, containing one hundred and thirty-eight acres, at present occupied by myself, John Wright, and Dan McGivern, bought from J. A. Wilkes, Thomas Houlding. Senr., and Thomas Houlding, Junr. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school room and boarding house with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the said school (now carried on by myself) to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eldest children, viz.: Mary Margaret Cockshutt, James George Cockshutt and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick buildings on the north side of Colborne Street, Brantford, being parts of Nos 5 and 6 (reference being had to title deeds from P. Simmerman and Cook and Strowbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as hereintofore to be managed as my executor deems best and for the greatest advantage of the school, and my said executer shall appoint suitable persons to carry on and manage the said property for the benefit of the said school.

The said farm, together with fences and buildings thereon are to be kept in good repair and condition and (such portion of said farm and buildings as not needed for the purpose of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding house.)

The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school.

The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more advisable to do so than rebuilding. The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income, any number of scholars who pays fees and board may be taken in, that can be conveniently accommodated, in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rents, etc., said fund to be used for payment of salaries of teachers, board, clothing, etc., etc., as directed by my said executor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instructions which is to be in accordance with the views now held by the old Independent Church assembling at Farringdon as set forth fully in their title deed.

I desire that the bible be daily read in the school by the children and the conduct of all governed thereby. The free scholars and those partly free I desire to attend all the services at the Farringdon Chapel every Lord's Day, when in health.

I give and devise one hundred dollars to the Upper Canada Branch of the British and Foreign Bible Society.

I give to Hannah Nightingale, daughter of my cousin, Mrs. James Nightingale of Belleville, Province of Canada, the sum of fifty pounds Hx. cy.

I give and bequeath to each and every one of my dear brother Ignatius Cockshutt's children one hundred and fifty pounds Hx. cy., in trust to their father till they attain the age of twenty-one years.

I give also to my dear brother's children, to be divided amongst them, my furniture at the cottage where I now reside. I give and devise to my dear brother Ignatius Cockshutt of Brantford, Province of Canada, two hundred pounds (viz., eight hundred dollars) for his trouble in attending to my business and this trust. I give to my dear father, James Cockshutt, now residing in Toronto, Canada West (if alive at my decease and not otherwise) the sum of one hundred dollars.

In case my property falls short in paying the above legacies, my brother and his children's shares to be less in proportion to the deficiency and if more they are to have the overplus.

As soon as my executor has a sufficiency of funds in hand I should like him to pay off the legacies to cousin Hannah Nightingale.

And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament. And to sell or retain in the family as he and his children can agree all my real estate and property whatsoever (excepting that given as aforesaid for the use of the school)

In testimony whereof I the said Jane Laycock have hereunto subscribed my name and affixed my seal this twenty-third day of January in the year of Our Lord one thousand eight hundred and sixty-four (written on four pages of one sheet).

Signed, sealed and declared by the said Jane Laycock to be her last will and testament in presence of Edmund C. Passmore and Thomas Houlding, who at her request and in her presence have subscribed their names as witnesses thereto in the presence of each other.

(Signed,) JANE LAYCOCK. [L.S.]

(Signed,) EDMUND C. PASSMORE, (Signed,) THOMAS HOULDING.

### SCHEDULE B.

This Indenture made the eighteenth day of June in the year of our Lord one thousand eight hundred and ninety, between Ignatius Cockshutt of the City of Brantford in the County of Brant, merchant, of the first part; Mary Margaret Kippax of the same place, the wife of George Kippax of the same place, merchant, Charles Cockshutt of the City of Toronto of the County of York, merchant, Frank Cockshutt of the said City of Brantford, merchant, William F Cockshutt of the same place, merchant, Elizabeth Foster Drummond of the City of Montreal in the Province of Quebec, the wife of George E. Drummond of the same place, merchant. Edmund L. Cockshutt of the said City of Brantford, merchant, Ellen R. Cockshutt of the same place, spinster, and Henry Cockshutt of the said City of Brantford, agent, of the second part; and Elizabeth Cockshutt of the said City of Brantford, the wife of the said Ignatius Cockshutt, of the third part.

Whereas Jane Laycock, late of the Township of Brantford in the said County of Brant, widow, now deceased, duly made and published her last will and testament in writing on the twenty-third day of January in the year our Lord one thousand eight hundred and sixty-four, whereof she appointed the said party of the first part the executor.

And whereas the said Jane Laycock departed this life on the twentyeighth day of April, one thousand eight hundred and ninety, without having in any manner altered or revoked the said last will and testament.

And whereas letters probate of the said last will and testament were on the tenth day of June, one thousand eight hundred and ninety, granted by the Surrogate court of the County of Brant, being the proper Surrogate court in that behalf, to the said party of the first part, the executor named in the said last will and testament.

And whereas by the said last will and testament the said Jane Laycock made a gift and devise in the words following, that is to say: "I give and devise my farm in the Township of Brantford on the Mount Pleasant road, containing one hundred and thirty-eight acres, at present occupied by myself, John Wright and Dan McGivern, bought from J. A. Wilkes. Thomas Houlding, sen., and Thomas Houlding, jun. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school room and boarding house, with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the said school (now carried on by myself), to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eldest children, viz: Mary Margaret Cockshutt, James George Cockshutt, and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick dwellings on the north side of Colborne street, Brantford, being parts of Nos. five and six (reference being had to title deeds from P. Sunnierman and Cook and Strawbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as heretofore, to be managed as my executor deems best and for the greatest advantage of the school, and my said executor shall appoint suitable persons to carry on and manage the said property for the benefit of the said school. The said farm, together with fences and buildings thereon, are to be kept in good fair repair and condition and such portion of said farm and buildings as not needed for the purpose of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school. The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more adviseable to do so than rebuild-The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income. Any number of scholars who pay fees and board may be taken in that can be conveniently accommodated in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rent, etc. Said fund to be used for payment of salaries of teachers board, clothing, etc., etc., as directed by my said executor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instruction which is to be in accordance with the views now held by the old Independent Church now assembling at Farringdon as set forth fully in their title deed. I desire that the Bible be daily read in the school by the children and the conduct of all governed thereby The free children and those partly free I desire to attend all the services at the Farringdon chapel every Lord's day when in health.

And whereas the said Jane Laycock by her said last will and testament left certain specific legacies and there is in the said will a clause

referring to the said specific legacies in the words following that is to say: In case my property falls short in paying the above legacies my brothers' and his childrens share to be less in proportion to the deficency and if more they are to have the over plus.

And whereas there is in the said last will and testament another clause in the words following that is to say: And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament and to sell or retain in the family as he and his children can agree all my real estate and property whatsoever excepting that given as aforesaid for the use of the school.

And whereas the lands in the said will mentioned containing in all one hundred and thirty-eight acres are hereinafter particularly described.

And whereas the gift devise and provision made by the said last will and testament of the said Jane Laycock deceased is void under the laws in force in the Province of Ontario commonly known as the statutes of Mortmain.

And whereas the said Ignatius Cockshutt the party hereto of the first part is the only heir at law of the said Jane Laycock, deceased.

And whereas James George Cockshutt named in the said last will and testament of the said Jane Laycock deceased departed this life before the said Jane Laycock.

And whereas assuming that the parties of the second part who are all the children now living and living at the time of the death of the said Jane Laycock deceased of the said Ignatius Cockshutt and compose his family have any estate right title or interest as residuary devisees or otherwise under the said last will and testament of the said Jane Laycock deceased in the said lands so as aforesaid devised for the purposes of the said school, they the said parties of the second part executed these presents to the uses and for the purposes hereinafter particularly mentioned.

Now therefore this, indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada by the said party of the third part paid to each of them the said parties of the first and second parts the receipt whereof is hereby by them and each of them respectively acknowledge that the said parties of the first and second parts (the said party of the first part joining herein as executor heir at law and legatee and the said parties of the second part joining herein as residuary devisees legatees and beneficiaries under the said last will and testament of the said Jane Laycock deceased) have and each of them hath, granted, bargained, sold, conveyed confirmed assured and by the presents do and each of them doth grant bargain, sell convey, confim and assure unto the said party of the third part her executors and admistrators first all and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the County of Brant in the Province of Ontario containing by admeasurement one hundred acres be the same more or less being composed of part of a tract of land originally granted by the Crown to Jemima Stewart of the Town of Niagara in the District of Niagara and Sarah Ruggles of the Mohawk Village on the Grand River then in the County of Wentworth as the said lands are more fully and particularly described by notes and bounds in a conveyance thereof from John Aston Wilkes of the Town of Brantford in the County of Brant Esquire to the said Jane Laycock (then Jane Cockshut) dated the seventh day of September one thousand eight hundred and forty-nine a memorial whereof was registered in the registry office of the County of Wentworth on the eleventh day of September one thousand eight hundred and forty-nine in Liber "A" for the Township of Brantford in folios 88 and 89 memorial No. 97. Secondly. All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the county of Brant containing by admeasurement one acre and a half be the same more or less, being composed of part of a certain tract of land originally granted by the Crown to Jemima Stewart and Sarah Ruggles and afterwards on the twenty-second day of April in the year of our Lord one

thousand eight hundred and thirty-nine conveyed by the said Sarah Ruggles in two parcels of three-fourths of an acre each, one parcel to one Jane Houlding and the other to one Thomas Houlding, as the said lands are more particularly described by metes and bounds in a conveyance thereof from Jane Houlding and Thomas Houlding to the said Jane Laycock, dated the sixth day of September, one thousand eight hundred and fifty, a memorial whereof was registered in the registry office for the County of Wentworth on the eleventh day of September, one thousand eight hundred and fifty, in Liber A for the Township of Brantford Memorial Number 295. Thirdly. All those certain parcels or tracts of land and premises situate, lying and being in the Township of Brantford in the County of Brant, and being two certain pieces or parcels of land granted, bargained and sold, and conveyed in fee simple by Johnson Stewart of the Town of Niagara in the district of Niagara in the Province aforesaid, to the late Isaac Poole, late of the said Township of Brantford, deceased. The one parcel being ten acres and four-tenthsand situate on the public highway or road leading from the City of Brantford to Mount Pleasant; and the other twenty-six and four-tenths acres lying in rear of the lands formerly owned by the late William Walker, and containing in all thirty-six acres and eight-tenths of an acre be the same more or less. Fourthly. All and singular that certain parcel or same more or less. Fourthy. All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Brantford in the County of Brant, containing by admeasurement three acres, be the same more or less, being composed of part of a certain grant from the Crown to Jemima Stewart and Sarah Ruggles, situate on the West side of the Grand River in the said Township of Brantford, which said lands are particularly described by metes and bounds in a conveyance thereof from Richard Brooks of the said Township of Brantford, yeoman, and Elizabeth Brooks, his wife, for the purpose of barring her down to the said Lang Hayrook, dated the twentieth day of Sonter. her dower to the said Jane Haycock, dated the twentieth day of September, one thousand eight hundred and fifty six, a memorial whereof was registered in the registry office for the County of Brant on the twentieth day of September, one thousand eight hundred and fifty-six, in Liber B for the said Township of Brantford as number 736. Fifthly. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement three thousand two hundred square feet, be the same more or less. Being composed of part of lot number five on the north side of Colborne street in the said City of Brantford, and is bounded and described as follows that is to say: Commencing within thirty feet of the south west corner of the said 1 st number five, running from thence north five degrees thirty minutes west on the east line of a lot formerly owned by James Fisher eighty feet, from thence north eighty-five degrees fortyfive minutes east forty feet, from thence south five degrees thirty minutes east eighty feet to Colborne street aforesaid, from thence south eighty-five degrees forty-five minutes west forty feet to the place of beginning, and Sixthly, all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement twelve thousand two hundred and nineteen square links, be the same more or less, being composed of parts of city lots numbers five and six on the north side of Colborne street in the said City of Brantford, which said lands are more particularly. larly described by metes and bounds in a conveyance thereof dated the tenth day of August, one thousand eight hundred and forty-eight, from Abraham Cook of the said Township of Brantford, Esquire, Ellen Cook, his wife (for the purpose of barring her dower), and Richard R. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge in the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge of the said City of Brantford, Merchant City of Brantford, Merchan bridge, his wife (for the purpose of barring her dower). to the said Jane Laycock, a memorial whereof was registered in the registry office for the County of Wentworth on the nineteenth day of August, one thousand eight hundred and forty-eight, in Liber A for the said City of Brantford as number 14. To have and to hold the said lands and premises and every part and parcel thereof to the said party of the third part, her executors and administrators, or her appointee or appointees, in writing

under her hand and seal to and for the use, trust and purpose hereinafter declared in respect thereof, that is to say: Upon trust to hold the said lands and premises to the said party of the third part, her executors and administrators, or her appointee or appointees as aforesaid, who is or are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel thereof during the lifetime of Ignatius Cockshut, the party hereto of the first part, and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises according to the directions of the said party of the first part, or his appointee or appointees, in writing under his hand and seal from time to time and as occasion may require to be given in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the second recital to these presents.

And this indenture further witnesseth that in further consideration of the premises and of the sum of one dollar of lawful money of Canada to the said parties of the first and second parts and each of them paid by the said Elizabeth Cockshutt, the receipt whereof is hereby by the said parties of the first and second parts, and each of them respectively, acknowledged. They, the said parties of the first and second parts, have and each of them hath granted, bargained, sold, conveyed, confirmed and assured and by these presents do and each of them doth grant, bargain, sell, convey, confirm and assure unto the said party of the third part, her executors and administrators, all and singular, the lands and premises hereinbefore particularly mentioned and described and every part and parcel thereof. To have and to hold the said lands and premises and every part and parcel thereof to the use of the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, to and for the uses, trusts and purposes hereinafter declared in respect thereof, that is to say: From and after the death of the said Ignatius Cockshutt upon trust in the first place to hold the said lands and premises and every part and parcel thereof to the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, their executors and administrators, or their appointee or appointees, in writing under their respective hands and seals, who are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel there if and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions appear in the said second recital to these presents. And upon trust in the second place upon the death of either the said Elizabeth Cockshutt, Mary Margaret Kippax or Charles Cockshutt, to hold the said lands and premises, and every part and parcel thereof, to the survivors or survivor of them, their executors and administrators, or their appointees in writing executors and administrators, or their appointee or appointees in writing, under their respective hands and seals, who are to have, collect, take and receive the income rents, issues and profits of the said lands and premises, and every part and parcel thereof, and to lay out and expend and appropriate the said income, rents, issues and profits of the said lands and premises, and every part and parcel thereof, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents. And upon trust in the third place to hold the said lands and premises and every part and parcel thereof, to the executors and administrators of the last survivor of them, the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, and his or her appointee of appointees in writing, under his or her hand and seal, who are to have, collect, take and receive the said income, rents, issues and profits of the said lands and every part and parcel thereof, and to lay out, expend and appropriate the said income, rents, issues and profits in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear

in the said second recital to these presents. And upon trust in the fourth place to hold the said lands and premises to the appointee or appointees in writing under the hands and seals or hand and seal of the appointee or appointees of the said last survivor, with power from time to time and for all time for the said appointee or appointees, or his or their executors and administrators, to appoint succeeding appointees in writing, under their hands and seals, to hold the said lands and premises and every part and parcel thereof to such appointee and appointees and succeeding appointees and the executors rnd administrators of such appointee or appointees and succeeding appointees forever, who are to have, collect, take and receive the said income rents, issues and profits of the said lands and premises and every part thereof, and to lay out, expend and appropriate the said mome, rents, issues and profits of the said lands and premises and every part and parcel thereof, in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of

Sd. I. COCKSHUTT, [Seal].

M M. KIPPAX. [Seal].

CHARLES COCKSHUTT. [Seal].

FRANK COCKSHUTT. [Seal].

W. F. COCKSHUTT. [Seal].

ELIZ. F. DRUMMOND. [Seal].

E. L. COCKSHUTT. [Seal].

ELLEN R. C. CKSHUTT. [Seal].

H. COCKSHUTT. [Seal].

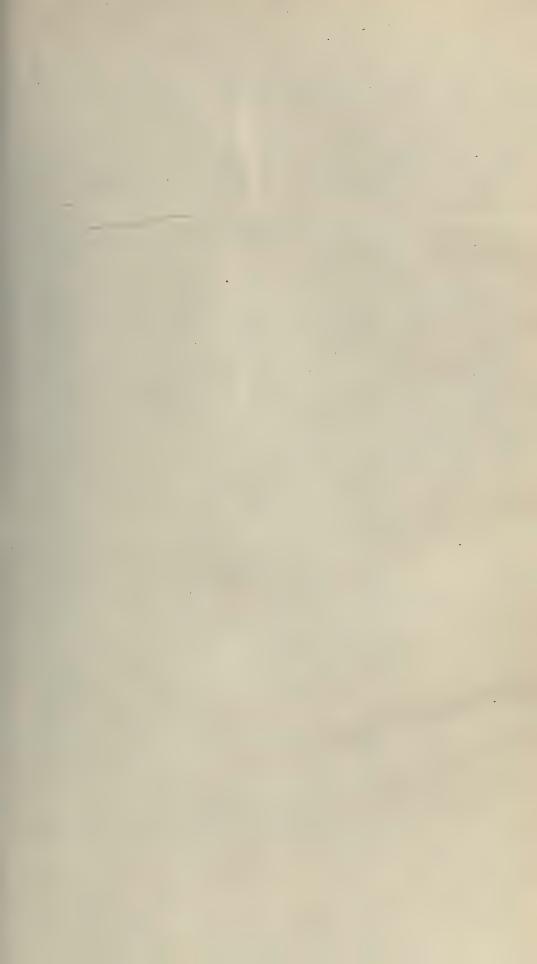
ELIZABETH COCKSHUTT. [Seal].

Witness (Sd.) Geo. D. Nichol and
"Peter Ryan
as to Charles Cockshutt signature.

R. D. Cockshutt and A. E. Watts, as to execution by William F. Cockshutt.

A. E. Watts and J. G. Farmer, as to execution by Ignatius Cockshutt, Mary Margaret Kippax, Frank Cockshutt, Elizabeth Foster Drummond, Edmund L Cockshutt, Ellen A. Cockshutt, Harry Cockshutt and Elizabeth Cockshutt.





5th Session, 9th Legislature, 2 Edward VII., 1902.

### DILL

An Act to enable the Trustees of the Jane Laycock Orphanage to sell certain lands in the County of Brant.

First Reading,

1902.

(Private Bill).

Mr. PRESTON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to enable the frustees of the Jane Laycock Orphanage to sell certain lands in the county of Brant.

WHEREAS Charles Cockshutt of the City of Toronto, Preamble. County of York, merchant, and Mary Margaret Kippax, of the City of Brantford, in the County of Brant, married woman, have by their petition represented that Jane Laycock late of the Township of Brantford, in the County of Brant, widow, deceased, made her last will and testament in writing in man ner and form set forth in Schedule A to this Act, and departed this life on or about the 28th day of April, 1890, without having in any way altered or revoked her said will, probate whereof was on the 10th day of June, 1890, duly granted by the Surrogate Court of the County of Brant, to the said Ignatius Cockshutt, the executor therein named, who duly paid and satisfied the just debts, funeral and testamentary expenses of the said testatrix and the legacies contained in her said will and fully administered her estate except as to the gift and devise for the maintenance and endowment of the said school in the said will mentioned; that the provision in the said will made for the maintenance and endowment of the said school being void under the laws then in force in the Province of Ontario commonly known as the Statutes of Mortmain, so far as the said provision related to the gift and devise of the real estate of the said testatrix, the indenture set forth in Schedule B to this Act was made and entered into by the parties therein named; that the party of the third part in the said indenture mentioned departed this life on or about the 13th day of May, 1892, and the said Ignatius Cockshutt departed this life on or about the 1st day of March, 1901; that after the making of the said indenture the said lands were, from time to time during the lifetime of the said Ignatius Cockshutt and up to the time of his death, leased and the rentals derived therefrom received by the said Ignatius Cockshutt and were by him applied to the maintenance of the said school, but the said rentals were never sufficient for the said purpose, but that the said Ignatius Cochshutt was during his lifetime in the habit of supplementing the same year by year by contributions from his own funds; that on account of the long period during which the farm lands comprised in the said trust have been in the occupation of tenant farmers the same have become run down and depreciated in value and the revenue therefrom reduced, and

to keep the same and the lands in the City of Brantford comprised in the said trust in repair, will require a larger expenditure that can be made out of revenue only; that on account of the condition and situation of the said properties and the expenditure required to be made thereon for maintenance and repairs and of the uncertain amount of revenue derivable therefrom from time to time they consider it advisable in the interest of the said trust that they should be given the power to sell the said lands for the best price obtainable therefore, and to invest the proceeds in securities yielding a more uniform annual revenue; and that there is doubt whether under the provisions of the said will and indenture the said lands can be sold by the said trustees; and whereas the said petitioners have by their petition prayed that an act may be passed enabling them to sell the said lands; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

Lands vested purposes of will.

1. The said lands mentioned in the said will and indenture in trustees for are declared to be vested in the said Mary Margaret Kıppax and Charles Cockshutt the trustees above named and such other person or persons as may for the time being, be trustee or trustees under the said will and indenture in fee simple, upon the trusts and for the purposes in the said will and indenture set forth.

Power to sell.

2. The said Mary Margaret Kippax and Charles Cockshutt, the trustees above named, or such other person or persons as may for the time being be trustee or trustees under the said will and indenture, shall have power to sell the said lands in such parcels and in such manner and on such terms as they or he may deem best and to confer on any purchaser or purchasers thereof or of any part thereof a good title to the same or in fee simple.

Application of proceeds.

3. The proceeds arising from the sale of said lands or any part thereof after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof shall be invested and kept invested by the said trustees or their successors in office from time to time in such securities as trustees are by law allowed to invest in, and the said trustees and their successors shall stand possessed of the said proceeds and the investments from time to time representing the same, and the income arising therefrom upon the like trusts and for the like purposes as those upon which the said lands are now held.

### SCHEDULE A.

This instrument witnesseth that I, Jane Laycock, widow (of the late Alfred Laycock), of the Town and Township of Brantford, in the Province of Canada, being of sound and disposing mind, do make, publish and declare this to be my last will and testament hereby revoking and making null all former last wills and testaments.

My will is first that my funeral charges and just debts shall be paid by my executor hereinafter named.

The residue of my estate and property which shall not be required for the payment of my just debts, funeral charges and the expenses attending the execution of this my will and the administration of my estate I give, devise and dispose thereof as follows, to wit: I give and devise my farm in the Township of Brantford on the Mount Pleasant road, containing one hundred and thirty-eight acres, at present occupied by myself, John Wright, and Dan McGiven, bought from J. A. Wilkes, Thomas Houlding, Senr., and I homas Houlding, Junr. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school room and boarding house with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the said school (now carried on by myself) to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eldest children, viz.: Mary Margaret Cockshutt, James George Cockshutt and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick buildings on the north side of Colborne Street, Brantford, being parts of Nos 5 and 6 (reference being had to title deeds from P. Simmerman and Cook and Strowbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as heretofore to be managed as my executor deems best and for the greatest advantage of the school, and my said executor shall appoint suitable persons to carry on and manage the said property for the benefit of the said school.

The said farm, together with fences and buildings thereon are to be kept in good repair and condition and (such portion of said farm and buildings as not needed for the purp se of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding house.)

The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school.

The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more advisable to do so than rebuilding. The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income, any number of scholars who pay fees and board may be taken in, that can be conveniently accommodated, in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rents, etc., said fund to be used for payment of salaries of teachers, board, clothing, etc., etc., as directed by my said executor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instructions which is to be in accordance with the views now held by the old Independent Church assembling at Farringdon as set forth fully in their title deed.

I desire that the bible be daily read in the school by the children and the conduct of all governed thereby.

The free scholars and those partly free I desire to attend all the services at the Farringdon Chapel every Lord's Day, when in health.

I give and devise one hundred dollars to the Upper Canada Branch of the British and Foreign Bible Society.

I give to Hannah Nightingale, daughter of my cousin, Mrs. James Nightingale of Belleville, Province of Canada, the sum of fifty pounds Hx. cy.

I give and bequeath to each and every one of my dear brother Ignatius Cockshutt's children one hundred and fifty pounds Hx. cy., in trust to their father till they attain the age of twenty-one years.

I give also to my dear brother's children, to be divided amongst them, my furniture at the cottage where I now reside. I give and devise to my dear brother Ignatius Cockshutt of Brantford, Province of Canada, two hundred pounds (viz., eight hundred dollars) for his trouble in attending to my business and this trust. I give to my dear father, James Cockshutt, now residing in Toronto, Canada West (if alive at my decease and not otherwise) the sum of one hundred dollars.

In case my property falls short in paying the above legacies, my brother and his children's shares to be less in proportion to the deficiency and if more they are to have the overplus.

As soon as my executor has a sufficiency of funds in hand I should like him to pay off the legacies to cousin Hannah Nightingale and to the Bible Society.

And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament. And to sell or retain in the family as he and his children can agree all my real estate and property whatsoever (excepting that given as aforesaid for the use of the school)

In testimony whereof I the said Jane Laycock have hereunto subscribed my name and affixed my scal this twenty-third day of January in the year of Our Lord one thousand eight hundred and sixty-four (written on four pages of one sheet).

Signed, sealed and declared by the said Jane Laycock to be her last will and testament in presence of Edmund C. Passmore and Thomas Houlding, who at her request and in her presence have subscribed their names as witnesses thereto in the presence of each other.

(Signed,) JANE LAYCOCK. [L.S]

(Signed,) EDMUND C. PASSMORE, (Signed,) THOMAS HOULDING.

### SCHEDULE B.

This Indenture made the eighteenth day of June in the year of our Lord one thousand eight hundred and ninety, between Ignatius Cockshutt of the City of Brantford in the County of Brant, merchant, of the first part; Mary Margaret Kippax of the same place, the wife of George Kippax of the same place, the wife of George Kippax of the same place, merchant, Charles Cockshutt of the City of Toronto of the County of York, merchant, Frank Cockshutt of the said City of Brantford, merchant, William F Cockshutt of the same place, merchant, Elizabeth Foster Drummond of the City of Montreal in the Province of Quebec, the wife of George E. Drummond of the same place, merchant. Edmund L. Cockshutt of the said City of Brantford, merchant, Ellen R. Cockshutt of the same place, spinster, and Henry Cockshutt of the said City of Brantford, agent, of the second part; and Elizabeth Cockshutt of the said City of Brantford, the wife of the said Ignatius Cockshutt, of the third part.

Whereas Jane Laycock, late of the Township of Brantford in the said County of Brant, widow, now deceased, duly made and published her last will and testament in writing on the twenty-third day of January in the

year our Lord one thousand eight hundred and sixty-four, whereof she appointed the said party of the first part the executor.

And whereas the said Jane Laycock departed this life on the twentyeighth day of April, one thousand eight hundred and ninety, without having in any manner altered or revoked the said last will and testament.

And whereas letters probate of the said last will and testament were on the tenth day of June, one thousand eight hundred and ninety, granted by the Surrogate court of the County of Brant, being the proper Surrogate court in that behalf, to the said party of the first part, the executor named in the said last will and testament.

And wher as by the said last will and testament the said Jane Laycock made a gift and devise in the words following, that is to say: "I give and devise my farm in the Township of Bran ford on the Mount Pleasant ro d, containing one hundred and thirty-eight acres, at present occupied by mys lf, John Wright and Dan McGiven, bought from J. A. Wilkes Thomas Houlding, sen., and Thomas Houlding, jun. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school r om and boarding house, with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the stid school (now carried on by myself), to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eld st children, viz: Mary Margaret Cockshutt, James George Cockshutt, and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick buildings on the north s de of Colborne street, Brantford, being parts of Nos. five and six (reference being had to title deeds from P. Simmerman and Cook and Strawbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as here of ore, to be managed as my executor deems best and for the greatest advantage of the school, and my said executor shall appoint suitable persons to carry on and manage the said property for the benefit of the said school. The said farm, together with fences and buildings thereon, are to be kept in good fair repair and condition and such portion of said farm and buildings as not needed for the purpose of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding house. The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school. The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more adviseable to do to than rebuilding The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income. At y number of scholars who pay fees and board may be taken in that can be conveniently accommodated in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rent, etc. Said fund to be used 'or payment of salaries of teachers board, clothing, etc., etc., as directed by my said exe utor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instruction which is to be in accordance with the views now held by the old Independent Church now assembling at Farringdon as set forth fully in their title deed. I desire that the Bible be daily read in the school by the children and the conduct of all governed thereby The free scholars and those partly free I desire to attend all the services at the Farringdon chapel every Lord's day when in health.

And whereas the said Jane Laycock by her said last will and testament left certain specific legacies and there is in the said will a clause

referring to the said specific legacies in the words following that is to say: In case my property falls short in paying the above legacies my brothers' and his childrens share to be less in proportion to the deficiency and if more they are to have the over plus.

And whereas there is in the said last will and testament another clause in the words following that is to say: And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament and to sell or retain in the family as he and his children can agree all my real estate and property whatsoever excepting that given as aforesaid for the use of the school.

And whereas the lands in the said will mentioned containing in all one

hundred and thirty-eight acres are hereinafter particularly described.

And whereas the gift devise and provision made by the said last will and testament of the said Jane Laycock deceased is void under the laws in force in the Province of Untario commonly known as the statutes of

And whereas the said Ignatius Cockshutt the party hereto of the first part is the only heir at law of the said Jane Laycock, deceased.

And whereas James George Cockshutt named in the said last will and testament of the said Jane Laycock deceased departed this life before the said Jane Laycock.

And whereas assuming that the parties of the second part who are all the children now living and living at the time of the death of the said Jane Laycock deceased of the said Ignatiús Cockshutt and compose his family have any estate right title or interest as residuary devisees or otherwise under the said last will and testament of the said Jane Laycock deceased in the said lands so as aforesaid devised for the purposes of the said school, they the said parties of the second part have executed these presents to the uses and for the purposes hereinafter particularly mentioned.

Now therefore this, indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada by the said party of the third part paid to each of them the said parties of the first and second parts the receipt whereof is hereby by them and each of them respectively acknowledged they the said parties of the first and second parts (the said party of the first part joining herein as executor heir at law and legatee and the said parties of the second part joining herein as residuary devisees legatees and beneficiaries under the said last will and testament of the said Jane Laycock deceased) have and each of them hath, granted, bargained, sold, conveyed confirmed and assured and by the presents do and each of them doth grant bargain, sell convey, confirm and assure unto the said party of the third pa t her executors and administrators first all and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the County of Brant in the Province of Ontario containing by admessurement one hundred acres be the same more or less being composed of part of a tract of and originally granted by the Crown to Jemima Stewart of the Town of Niagara in the District of Niagara and Sarah Ruggles of the Mohawk Village on the Grand River then in the County of Wentworth as the said lands are more fully and par icularly described by metes and bounds in a convey-ance thereof from John Aston Wilkes of the Town of Brantford in the County of Brant Esquire to the said Jane Laycock (then Jane Cockshutt) dated the seventh day of September one thousand eight hundred and forty-nine a memorial whereof was registered in the registry office of the County of Wentworth on the eleventh day of September one thousand eight hundred and forty nine in Liber "A" for the Township of Brantford in folios 88 and 89 memorial No. 97. Secondly, All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the county of Brant containing by admeasurement one acre and a half be the same more or less, being composed of part of a certain tract of land originally granted by the Crown Jemima Stewart and Sarah Ruggles and afterwards on the twenty-second day of April in the year of our Lord one

eight hundred and thirty-nine conveyed said Sarah Ruggles in two parcels of three-fourths of an acre each, one parcel to one Jane Houlding and the other to one Thomas Houlding, as the said lands are more particularly described by metes and bounds in a conveyance thereof from Jane Houlding and Thomas Houlding to the said Jane Laycock, dated the sixth day of September, one thousand eight hundred and fifty, a memorial whereof was registered in the registry office for the County of Wentworth on the eleventh day of September, one thousand eight hundred and fifty, in Liber A for the Township of Brantford Memorial Number 295. Thirdly. All those certain parcels or tracts of land and premises situate, lying and being in the Township of Brantford in the County of Brant, and being two certain pieces or parcels of land granted, bargained and sold, and conveyed in fee simple by Johnson Stewart of the Town of Niagara in the district of Niagara in the Province aforesaid, to the late Isaac Poole, late of the said Township of Brantford, deceased. The one parcel being ten acres and four-tenthsand situate on the public highway or road leading from the City of Brantford to Mount Pleasant; and the other twenty-six and four-tenths acres lying in rear of the lands formerly owned by the late William Walker, and containing in all thirty-six acres and eight-tenths of an acre be the same more or less. Fourthly. All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Brantford in the County of Brant, containing by admeasurement three acres, be the same more or less, being composed of part of a certain grant from the Crown to Jemima Stewart and Sarah Ruggles, situate on the West side of the Grand River in the said Township of Brantford, which said lands are particularly described by metes and bounds in a conveyance thereof from Richard Brooks of the said Township of Brantford, yeoman, and Elizabeth Brooks, his wife, for the purpose of barring her dower to the said Jane Laycock, dated the twentieth day of September, one thousand eight hundred and fifty six, a memorial whereof was registered in the registry office for the County of Brant on the twen ieth day of September, one thousand eight hundred and fifty-six, in Liber B for the said Township of Brantford as number 736. Fifthly. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement three thousand two hundred square feet, be the same more or less. Being composed of part of lot number five on the north side of Colborne street in the said City of Brantford, and is bounded and described as follows that is to say: Commencing within thirty feet of the south west corner of the said lot number five, running from thence north five degrees thirty minutes west on the east line of a lot formerly owned by James Fisher eighty feet, from thence north eighty-five degrees fortyfive minutes east forty feet, from thence south five degrees thirty minutes east eighty feet to Colborne street aforesaid, from thence south eighty-five degrees forty-five minutes west forty feet to the place of beginning, and Sixthly, all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement twelve thousand two hundred and nineteen square links, be the same more or less, being composed of parts of city lots numbers five and six on the north side of Colborne street in the said City of Brantford, which said lands are more particularly described by metes and bounds in a conveyance thereof dated the tenth day of August, one thousand eight hundred and forty-eight, from Abraham Cook of the said Township of Brantford, Esquire, Ellen Cook, his wife (for the purpose of barring her dower), and Richard R. Strobridge of the said City of Brantford, Merchant, and Elleda J. Strobridge, his wife (for the purpose of barring her dower) to the said Jane Laycock, a memorial whereof was registered in the registry office for the County of Wentworth on the nineteenth day of August, one thousand eight hundred and forty-eight, in Liber A for the said City of Brantford as number 14. To have and to hold the said lands and premises and every part and parcel thereof to the said party of the third part, her executors and administrators, or her appointee or appointees, in writing

under her hand and seal to and for the use, trust and purpose hereinafter declared in respect thereof, that is to say: Upon trust to hold the said lands and premises to the said party of the third part, her executors and administrators, or her appointee or appointees as aforesaid, who is or are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel thereof during the lifetime of Ignatius Cockshut, the party hereto of the first part, and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises according to the directions of the said party of the first part, or his appointee or appointees, in writing under his hand and seal from time to time and as occasion may require to be given in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the second recital to these presents.

And this indenture further witnesseth that in further consideration of the premises and of the sum of one dollar of lawful money of Canada to the said parties of the first and second parts and each of them paid by the said Elizabeth Cockshutt, the receipt whereof is hereby by the said parties of the first and second parts, and each of them respectively, acknowledged. They, the said parties of the first and second parts, have and each of them hath granted, bargained, sold, conveyed, confirmed and assured and by these presents do and each of them doth grant, bargain sell, convey, confirm and assure unto the said party of the third part, her executors and administrators, all and singular, the lands and premises hereinbefore particularly mentioned and described and every part and parcel thereof. To have and to hold the said lands and premises and every part and parcel thereof to the use of the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, to and for the uses, trusts and purposes hereinafter declared in respect thereof, that is to say: From and after the death of the said Ignatius Cockshutt upon trust in the first place to hold the said lands and premises and every part and parcel thereof to the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, their executors and administrators, or their appointee or appointees, in writing under their respective hands and seals, who are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel thereof and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions appear in the said second recital to these presents. And upon trust in the second place upon the death of either the said Elizabeth Cockshutt, Mary Margaret Kippax or Charles Cockshutt, to hold the said lands and premises, and every part and parcel thereof, to the survivors or survivor of them, their executors and administrators, or their appointee or appointees in writing, under their respective hands and seals who are to have, collect, take and receive the income rents, issues and profits of the said lands and premises, and every part and parcel thereof, and to lay out and expend and appropriate the said income, rents, issues and profits of the said lands and premises, and every part and parcel thereof, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents. And upon trust in the third place to hold the said lands and premises and every part and parcel thereof, to the executors and administrators of the last survivor of them, the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, and his or her appointee or appointees in writing, under his or her hand and seal, who are to have, collect, take and receive the said income, rents, issues and profits of the said lands and every part and parcel thereof, and to lay out, expend and appropriate the said income, rents, issues and profits in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear

in the said second recital to these presents. And upon trust in the fourth place to hold the said lands and premises to the appointee or appointees in writing under the hands and seals or hand and seal of the appointee or appointees of the said last survivor, with power from time to time and for all time for the said appointee and appointees, or his or their executors and administrators, to appoint succeeding appointees in writing, under their hands and seals, to hold the said lands and premises and every part and parcel thereof to such appointee and appointees and succeeding appointees and the executors and administrators of such appointe appointees and succeeding appointees forever, who are to have, collect, take and receive the said income rents, issues and profits of the said lands and premises and every part thereof, and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises and every part and parcel thereof, in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

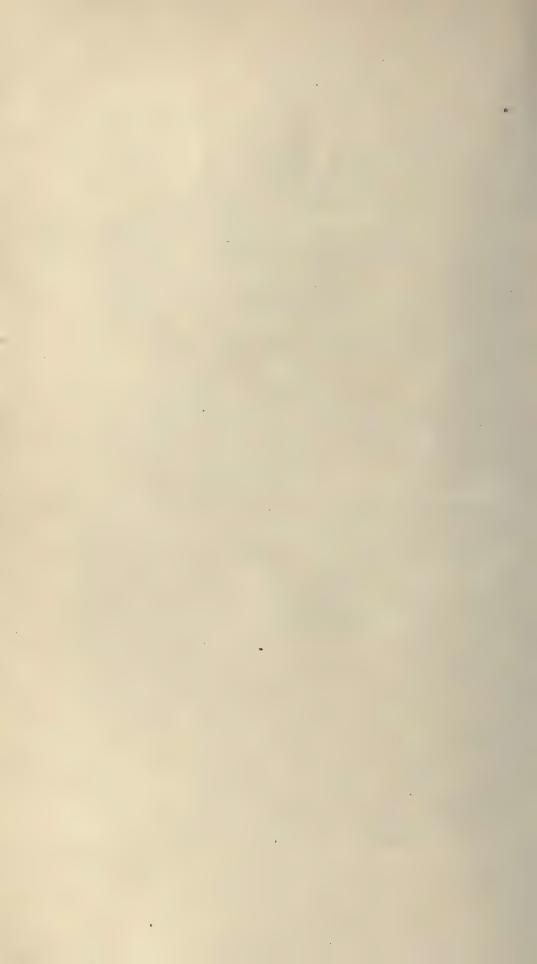
I. COCKSHUTT. [Seal]. M. M. KIPPAX. [Seal]. Sd. 1.5 CHARLES COCKSHUTT. [Seal]. Frank Cockshutt. [Seal]. 66 W. F. COCKSHUTT. [Seal].
ELIZ, F. DRUMMOND. [Seal].
E. L. COCKSHUTT. [Seal]. 6.6 Signed, Sealed and Delivered in the presence of 44 66 6.6 ELLEN R. COCKSHUTT. [Seal]. 6.6 H. Cockshutt. [Seal]. ELIZABETH COCKSHUTT. [Seal].

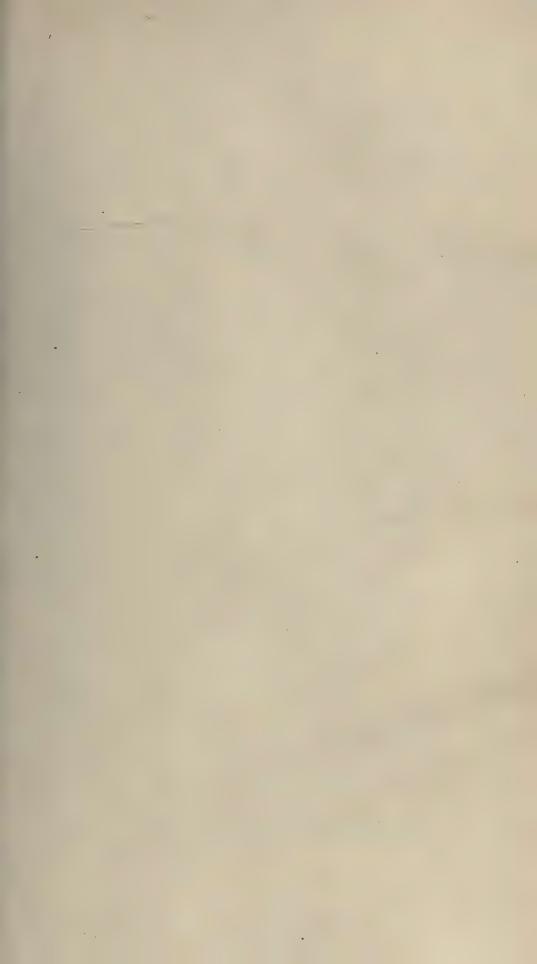
Witness (Sd.) Geo. D. Nichol and
"Peter Ryan,
as to Charles Cockshutt's signature.

R. D. Cockshutt and A. E. Watts, as to execution by William F. Cockshutt.

A. E. Watts and J. G. Farmer, as to execution by Ignatius Cockshutt, Mary Margaret Kippax, Frank Cockshutt, Elizabeth Foster Drummond, Edmund L Cockshutt, Ellen A. Cockshutt, Harry Cockshutt and Elizabeth Cockshutt.

2 - 27





5th Session, 9th Legislature, 2 Edward VII., 1902.

### SILL.

An Act to enable the Trustees of the Jane Laycock Orphanage to sell certain lands in the County of Brant.

First Reading, 21st January, 1902.

Mr. Preston.

(Reprinted as amended by Private Bills Committee.)

TORONTO:

PRINTED BY L. K. CAMERON, Printer to the King's Most Excellent Majesty. BILL.

An Act respecting a certain By-law of the Town of Sarnia.

HEREAS The Cleveland-Sarnia Saw Mills Company, Preamble. Limited, and Edmund Hall trading under the name of The Sarnia Bay Mill have by their petitions represented that prior to the establisment of their respective mills at the said 5 Town of Sarnia they were promised by the town council of the said Town of Sarnia that their assessment for taxation would be fixed at a figure to be agreed upon by the said. The Cleveland-Sarnia Saw Mills Company, Limited, and the said Edmund Hall and the said Town of Sarnia as an inducement

10 to them to locate their mills and plants at the said Town of Sarnia and that there would be a by-law passed so fixing their assessment; and whereas two readings of a by-law fixing the assessment of The Cleveland-Sarnia Saw Mills Company, Limited, at the sum of twenty thousand (\$20,000) dollars for all

15 purposes of taxation save and except school taxes has been passed by the said town council; and whereas two readings of a by-law fixing the assessment of Edmund Hall at the sum of ten thousand (\$10,000) dollars for all purposes of taxation save and except school taxes have been passed by the said town

20 council; and whereas the said by-laws were submitted to a general vote of the ratepayers of the Town of Sarnia in accordance with the provisions of chapter 36, 63 Victoria, but the said by-laws failed to carry, there being seven hundred and sixty-seven votes for The Cleveland-Sarnia Saw Mills Com-

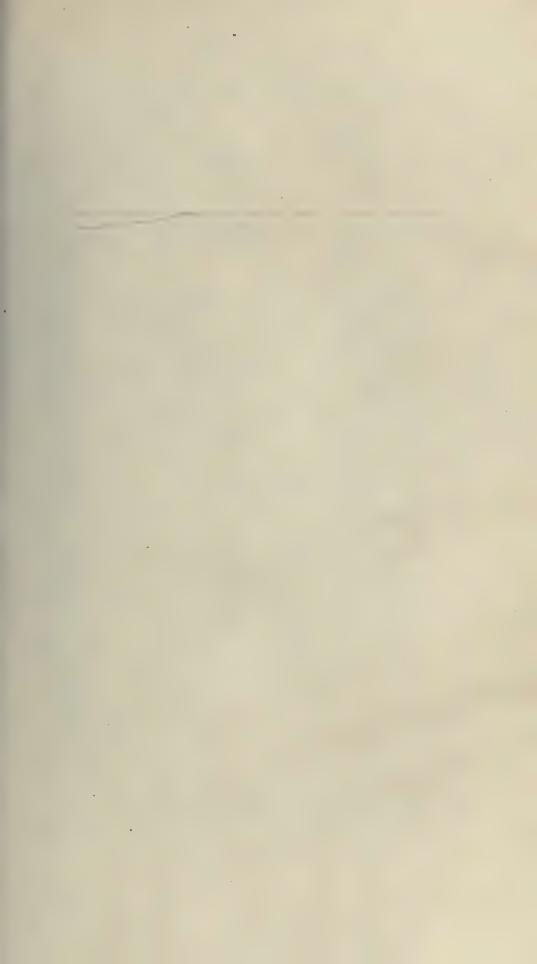
25 pany by-law, and thirty-nine votes against it, and there being seven hundred and sixty-nine votes for the Edmund Hall bylaw and thirty-six votes against it: and whereas it is expedient that the council of the said Town of Sarnia should be enabled to pass the third reading of the said by-law but it is impossible

30 for them to do so, and the said municipal corporation is desirous of being enabled to pass such third readings, and the said, The Cleveland Sarnia Saw Mills Company, Limited, and Edmund Hall have prayed that an Act may be passed enabling the said corporation to pass such by laws; and whereas no op-

35 position has been offered to the said petition; and whereas it is expedient to grant the charter of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

By-laws exempting Cleveland-Sarnia Saw Mills Co., and E. Hall, legalized. 1. The town council of the said Town of Sarnia, may read the said by-laws, exempting The Cleveland-Sarnia Saw Mills Company, Limited, and the said Edmund Hall trading under the name of The Sarnia Bay Mill, of and from taxation as is in the said respective by-laws set forth, third time, and pass 5 the same, and the said by-laws when so passed shall be legal, valid, and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any defect in substance or in form or in the-manner of passing the same or otherwise, or notwithstanding any want of authority of said corporation 10 to pass the same.



5th Session, 9th Legislature, 2 Edward VII.. 1902.

# BILL.

An Act respecting a certain By-Law of the Town of Sarnia.

First Reading, 19

1902.

(Private Bill.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting certain By-laws of the Town of Sarnia.

HEREAS The Cleveland-Sarnia Saw Mills Company, Preamble. Limited, and Edmund Hall trading under the name of The Sarnia Bay Mill have by their petitions represented that prior to the establishment of their respective mills at the Town of Sarnia they were promised by the Town Council of the Town of Sarnia that their assessment for taxation would be fixed at a figure to be agreed upon by The Cleveland-Sarnia Saw Mills Company, Limited, and Edmund Hall and the Town of Sarnia as an inducement to them to locate their mills and plants at the Town of Sarnia, and that there would be a by-law passed so fixing their assessment; and whereas two readings of a by-law fixing the assessment of The Cleveland-Sarnia Saw Mills Company, Limited, at the sum of twenty thousand (\$20,000) dollars for all purposes of taxation save and except school taxes has been passed by the said town council; and whereas two readings of a by-law fixing the assessment of Edmund Hall at the sum of ten thousand (\$10,000) dollars for all purposes of taxation save and except school taxes have been passed by the said town council; and whereas the said by-laws were submitted to a vote of the ratepayers of the Town of Sarnia in accordance with the provisions of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 33, but failed to receive the assent of three-fifths of all the ratepayers entitled to vote thereon, there being out of a total of 1,370 ratepayers qualified to vote 767 votes for The Cleveland-Sarnia Saw Mills Company by-law and 39 votes against it, and 769 votes for the Edmund Hall by law and 36 votes against it; and whereas more than three-fifths of the said ratepayers in all the wards of the said town, save one, voted in favor of the said by-laws; and whereas it has been made to appear that the smallness of the vote in the ward in which the said by-laws failed to receive the requisite number of votes was due to the fact that a large number of the ratepayers of the said ward were absent from home on the day when the said vote was taken; and whereas more than threefifths of the ratepayers in the said ward have since the said vote was taken joined in signing a petition, praying that the municipal council of the said town be authorized to pass the said by-laws; and whereas the municipal council of the town

desires to be enabled to pass the said by laws notwithstanding that they did not receive the requisite number of votes of the ratepayers, and the said company and the said Edmund Hall have by their said petitions prayed that an Act may be passed for that purpose; and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws exempting Cleveland-Sarnia Saw Mills Co., and E. Hall, legalized. 1. The Municipal Council of the Town of Sarnia, may read the said by-laws, set out in Schedules A and B to this Act, respectively, fixing the assessments of The Cleveland-Sarnia Saw Mills Company, Limited, and the said Edmund Hall, trading under the name of The Sarnia Bay Mill, of and from taxation as is in the said respective by-laws set forth, a third time, and pass the same, and the said by-laws when so passed shall be legal, valid, and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any defect in substance or in form or in the manner of passing the same or otherwise.

### SCHEDULE A.

#### BY-LAW No.

A By-law to fix the assessment of the Cleveland-Sarnia Saw Mills Company, Limited, at the sum of \$20,000.00 on certain conditions.

Whereas the Cleveland-Sarnia Saw Mills Company (Limited) is the owner of the following lands in the Town of Sarnia, namely:—(1) Lot number one (1) in Block "A" in the Maxwell Estate, and also water lot number one (1) in the said Maxwell Estate.

- 2. Water lot in the River St. Clair in front of Park lot number three (3) on the west side of Christina Street in the Town of Sarnia.
- 3. Water lot in Sarnia Bay in front of Park lot number four (4) on the west side of Christina Street.
- 4. Lot number three (3) in Block "A" in the Maxwell Estate in the Town of Sarnia according to plan number three (3) and also water lot in front of said lot number three (3) according to plan number twenty-four.
- 5. Lot number two (2) in Block "A" in the Maxwell Estate in the said Town of Sarnia according to registered plan; also water lot number two in front of said lot number two (2) according to registered plan of said Town of Sarnia.
- 6. The land fronting on Maxwell Street in the Town of Sarnia extending to the channel bank of the River St. Clair.
- 7. All that part of Park lot number one (1) on the west side of Christina Street and the south side of Maxwell Street; and the water lot in front thereof.
- 8. The westerly portion of lots numbers one (1) and two (2) on the west side of Christina Street in said Town of Sarnia.

- 9. Water lot in the River St. Clair in front of Park lot number two (2) on the west side of Christina Street.
- 10 Water lot in front of the south part of lot number seventy-two (72) in the Front Concession of the Township of Sarnia.
- 11. The north sixty feet of that part of lot lettered "U" on the west side of Christina Street now lying west of Front Street, together with the north sixty feet of the water lot in front thereof.

And whereas the said Company have leases for the term of twenty-one years of the following lands and premises, viz.:—

- 1. Water lot in front of lot lettered "V" on the west side of Christina Street in said Town of Sarnia.
- 2. Portion of water lot in front of lot lettered "U" on the west side of Front S reet measuring 180 feet along the river bank or water's edge.

And whereas nearly the whole of said land was until purchased by the said Company in 1901, unoccupied and unproductive.

And whereas the total as essment of the said lands at the time that the same was so purchased by the said Company was \$10,350.00, save and except the westerly portions of lots number one (1) and two (2) on the west side of Christin i Street which have not been assessed separately but with other lands.

And whereas the said Company has without bonus or other assistance from the said Town of Sarnia commenced the construction of a Saw Mill on a very large scale, and intend to carry on the manufacture of lumber in all its branches, upon the understanding that the property of the Company would be partially exempt from taxation.

And whereas the said company represented to the Town of Sarnia that the said company, their successors and assigns, will operate the said saw mill and other works in connection therewith for at least eight months in each year for a period of twenty years hereafter, and will employ daily during the said eight months in each year, at least fifty men.

And whereas the said company have agreed to defray the expense of legislation, validating and making operative this By-law.

Therefore, the Municipal Council of the Town of Sarnia, subject to this By-law being validated, affirm d and made operative by the Legislature of the Province of Ortario, enacts as follows:—

- 1. That the annual assessment of the aforesaid real property of the said company, their successors and assigns, shall for all purposes whatsoever (but swing and excepting assessments for school taxes) be fixed at the sum of \$20,000 for the period of ten years from and inclusive of the first day of January. A. D. 1901, with the right to renew such term of exemption for a further period of ten years.
- 2. That all the prope ty which the said company, their successors and assigns, shall her after acquire in the said T wn of Sarnia for the purposes of and to be used in connection with their business, shall for the portion of said period of ten years and the renewal extension thereof, which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall have been so purchased, and which said assessment of property which may be purchased shall be in addition to said fixed assessment of \$20,000.
- 3. Should the said Company, their successors or assigns, fail in any year during the said term to carry on the said works on said land for at least eight months there of or to employ daily at least fifty persons in any year, the Town of Sarnia may in the next year after said default and as often as such default shall be made assess the real and personal property as if this by-law and any Act validating the same had not been passed, but the said Company, their successors or assigns, shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

- 4. Nothing herein contained shall operate to exempt the said lands from he payment of local improvement rates.
- 5. That all labor employed by the said Company shall become resident in the said Town of Sarnia.
- 6. By-law Number 550 passed by the Municipal Council of the Town of Sarnia on the 29th day of May, 1901, is hereby repealed, but all exemptions and privileges granted thereunder and heretofore enjoyed and all acts done or submitted to thereunder are hereto and the same are hereby adopted, ratified and confirmed.
- 7. This By-law shall come into force and take effect immediately from and after the final passing the reof.
- 8. The votes of the ratepayers of the said Municipality qualified to vote on mon y by-laws shall be taken on this By-law in the several polling subdivisions appointed in said town for election purposes, and for that purpose the following persons shall be the Deputy Returning Officers and the followin; shall be the polling places for the taking of vote:—

First Ward, Division 1—School House, Durand Street, George Godley, Sen., D.R.O.

First Ward, Division 2—Fire Hall, George Street, C. F. Pashley, D.R O.

First Ward, Division 3—James Fitzpatrick's house, north-west corner of Mitton and Essex Streets, Wm. Beresford, D.R.O.

Second Ward, Division 1—Police Court Room, Town Hall, Christina Street, Reuben C. Palmer, D. R. O.

Second Ward, Division 2—School House, Lochiel Street, M. A. Sanders, D. R. O.

Second Ward, Division 3—Hiram McEwen's house, 220 South Cameron Street, J. F. Elliott, D. R. O.

Third Ward, Division 1—Salvation Army Barracks, East Front Street, Jehu Davis, D. R. O.

Third Ward, Division 2—School House, Wellington Street, M. Sullivan, D. R. O.

Fourth Ward, Division 1—George Bartrand's butcher shop, north-west corner of Albert and Devine Streets, John Dyble, D. R. O.

Fourth Ward, Division 2—School House corner of Brock and Devine Streets, Adam English, R. D. O

9. All such votes shall be taken on Thursday the 28th day of November, A.D., 1901, at said several places named for the votes to be taken in said several sub-divisions, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon; and the Clerk of the said Town shall on the 30th day of November, A.D. 1901, at the hour of noon, in the Council Chamber in the Town Hall, sum up the number of votes for and against the said by law, and on the 2 th day of November, A.D. 1901, at the hour of noon, at the place last named, the Mayor of the said Town shall appoint in writing signed by him, two p resons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Passed provisionally and dated at the Town of Sarnia this 4th day of November, A. D. 1901

Finally passed the day of A. D. 1901.

Mayor. Clerk.

### SCHEDULE B.

#### BY-LAW No.

A By-Law to fix the Assessment of Edmund Hall for fifteen years on certain conditions.

Whereas Edmund Hall, saw mill owner and manufacturer, is the owner of certain lands in the Town of Sarnia, namely lo's one, two, three, four and five in Block "S" and the parts of lots four and five lying west of Front Street in Block "A" all in the Maxwell Estate survey, and also water lots four, five, six, seven, nine, ten, eleven and part of eight according to plan 24 of the Town of Sarnia.

And whereas the greater part of said lan's has heretofore been unoccupied and wholly unproductive.

And whereas the total assessment of said lands at the time same were purchased by Edmund Hall, was less than six thousand dollars.

And whereas the said Edmund Hall without bonus or other assistance from the Town of Sarnia agrees within one month from the passing of the By law to commence the construction and equipment of a saw mill and incident industries within the corporation limits of the Town of Sarnia, in the operation of which he agrees and guarantees to employ not less than seventy-five men during the whole of the saw milling season, which shall not be less than six months in each year in consideration of the value for assessment of such land as he now has or may hereinafter acquire for the purpose of his business operations within the corporation limits, being fixed or determined.

And whereas the said Edmund Hall has agreed to defray all expenses of any legislation which shall or may be found necessary to validate, affirm or make operative this By-law.

Now therefore the Municipal Council of the Town of Sarnia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows:—

- 1. That the annual assessment of the above described real estate of the said Edmund Hall, his executors, administrators and assigns, including any and all the personal property of the said Hall and his aforesaids, shall for all purposes whats ever, but not including school taxes, be fixed at the sum of ten thou and dollars for a period of fifteen years from and inclusive of the first day of January, nineteen hundred.
- 2. That all property which the said Edmund Hall, his executors, administrators and assigns shall hereinafter acquire in the said Town of Surnia for the purposes of and to be used in a nnection with their business shall for the portion of the said period of fifteen years, which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be purchased and which said assessment of the said property, which may be so hereafter acquired, shall be in addition to the said fixed assessment of ten thousand dollars.
- 3. Should the said Edmund Hall or his successors or assigns fail in any year during said term to carry out the said works on the said lands for at least six months thereof, the said Town of Sarnia may in the next year after such default and as often as such default may be made, assess the real and personal property as if this By-law and any Act validating the same had not been passed, but the said Edmund Hall, his successors and assigns shall upon payment of the taxes levied upon the assessment made by reason of such default, be thereafter entitled to the benefit of the assessment fixed by this By-law upon c mpliance with the conditions thereof.
- 4. Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates properly levied thereon.

- 5. That all labor employed by the said Edmund Hall or his successors or assigns shall become resident in the Town of Sarnia.
- 6. By-law Number 529 passed by the Municipal Council of the Town of Sarnia on the 28th day of May. 1900, is hereby repealed, but all exemptions and privileges granted thereunder and heretofore enjoyed, and all acts done or submitted to thereunder are hereto—and the same are hereby adopted, ratified and confirmed.
- 7. This By-law shall come into force and take effect immediately from and after the final passing thereof.
- 8 The votes of the ratepayers of the said Municipality qualified to vote on money by-laws shall be taken on this By-law in the several polling subdivisions appointed in said town for election purposes, and for that purpose the following persons shall be the Deputy Returning Officers, and the following shall be the polling places for the taking of votes:—

First Ward, Division 1—School House, Durand Street, George Godley, Sr. D. R. O.

First Ward, Division 2—Fire Hall, George Street, C. F. Pashley' D R. O.

First Ward, Division 3—James Fitzpatrick's house, 'north-west corner of Milton and Essex Streets, William Beresford, D. R. O.

Second Ward, Division 1—Police Court Room, Town Hall, Christina Street, Reuben C. Palmer, D. R. O.

Second Ward, Division 2—School House, Dochiel Street, M. A. Sanders, D. R. O.

Second Ward, Divisi n 3—Hiram McEwen's House, 220 South Cameron Street, J. F. Elliott, D. R. O.

Third Ward, Division 1—Salvation Army Barracks, East Front Street, Jehu Davis, D. R. O.

Third Ward, Division 2—School House, Wellington Street, M. Sullivan, D.R.O.

Fourth Ward, Division 1—George Bartrand's Butcher Shop, northwest corner of Albert and Devine Streets, John Dyble, D.R O.

Fourth Ward, Division 2—School House, corner Brock and Devine Streets, Adam English, D.R.O.

9. All such votes shall be taken on Thursday, the 28th day of November, A.D. 1901, at said several places named for the votes to be taken in said several subdivisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon; and the clerk of said town shall on the 30th day of November, A.D. 1901, at the hour of noon in the Council Chamber in the Town Hall sum up the number of votes for and against the said By-law; and on the 26th day of November, A.D. 1901, at the hour of noon at the place last named the mayor of the said town shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Pa sed provisionally, and dated at the Town of Sarnia this 4th day of November, A.D. 1901.

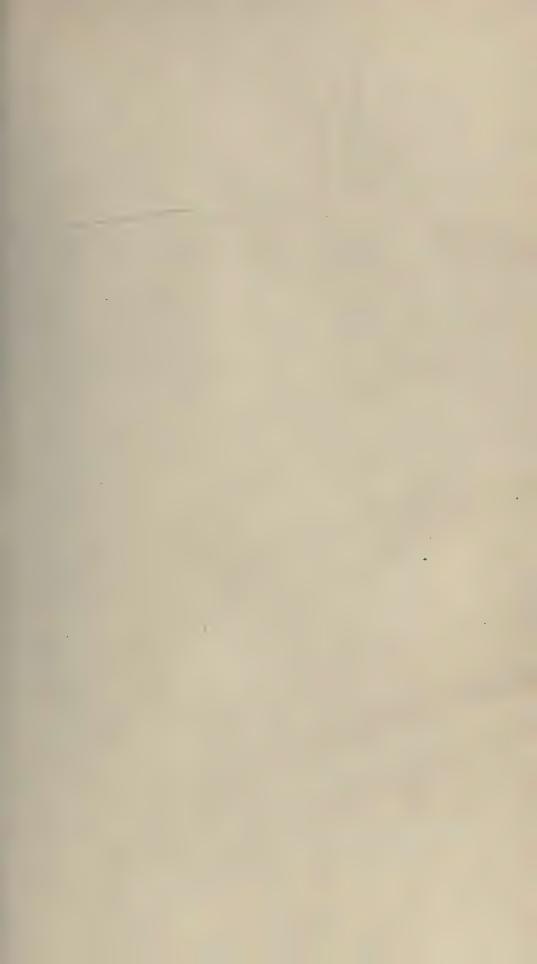
Finally passed the

day of

A.D. 1901.

Mayor.

Clerk. TA



5th Session, 9th Legislature, 2 Fdward VII. 1902.

### TILL

An Act respecting certain By-Laws of the Town of Sarnia.

First Reading, 18th February, 1902. Second Reading, 26th February, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. PARDEE.

TURONTO:
PRINTED BY L. K CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Morrisburgh Electric Railway.

HEREAS Isabella F. Farlinger, of the Village of Morris- Preamble. burgh, in the County of Dundas, Land Owner; Edward McLaughlin, of the same place, Physician; William Kyle Farlinger of the same place, Farmer; John Augustus Farlinger, of 5 the same place, Merchant, and Isaac J. Lane, of the Township of Williamsburgh, in the said county, Physician, have by their petition prayed for an Act of incorporation under the name of the "Morrisburgh Electric Railway," for the purpose of constructing and operating an electric railway from some point in 10 the Village of Morrisburgh, in the County of Dundas, passing through said Village of Morrisburgh, the Township of Williamsburgh and the Township of Winchester to some point in the Village of Winchester, in the said County of Dundas, with power to construct a branch line from some point on the said main 15 line, through the townships of Williamsburgh and Winchester or the latter only, through the Villiage of Chesterville and Township of Winchester to the Village of Morewood in the said County of Dundas, with power to construct and operate telegraph and telephone lines and electric power and lighting 20 upon, along and in connection with said railway and with power to acquire, erect and operate hotels, sanitariums and steamers in connection with the running of said railway, and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent 25 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Isabella F. Farlinger, Edward McLaughlin, William Kyle Incorporation. Farlinger and John Augustus Farlinger, of the Village of Morrisburgh, in the County of Dundas, and Isaac J. Lane, of 30 the Township of Williamsburgh, in said County, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Morrisburgh Electric Railway."
- 35 2. The said company is hereby authorized and empowered Location of to survey, lay out, construct, complete, alter and keep in repair line.

  a double or single track railway, with iron or steel rails, to be operated by electricity from some point in the Village of Mor-

risburgh, in the County of Dundas, passing through the said Village of Morrisburgh, the Township of Williamsburgh and the Township of Winchester, to some point in the Village of Winchester, in the said county, and also to survey, lay out, construct, alter, and keep in repair a branch line consisting of a 5 double or single track railway, with iron or steel rails, to be operated by electricity from a point on the main line through the said Township of Williamsburgh and Winchester or the latter only through the Village of Chesterville and the Township of Winchester to some point in the Village of Morewood, 10 in said County of Dundas and also to acquire, construct and operate telegraph and telephone lines and electric power and lighting upon, along and in connection with the said railways, and also to acquire, erect and operate hotels, sanitariums and steamers in connection with the running of said railways and 15 the said railway or the branch line thereof or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in The Electric Railway Act 20 contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations; and the said company may make or enter into any agreements with any municipal corporations or road company as to the terms of occupancy of 25 any street or highway, subject to the provisions and conditions contained in The Electric Railway Act and in The Municipal Act or any Act or Acts amending the same.

Rev. Stat. c. 209.

Rev. Stat. c. 209. Rev. Stat. c. 223.

Provisional directors.

3. The said Isabella F. Farlinger, Edward McLaughlin, William Kyle Farlinger, John Augustus Farlinger and Isaac 30 J. Lane with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors.

4. All the meetings of the provisional board of directors of the said company shall be held in the Village of Morrisburgh, in the County of Dundas, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated 40 shall be \$300,000 to be divided into 3,000 shares of \$100 each, 1,000 shares of which shall be open for subscription, the remaining 2,000 shares shall be issued in convertable bonds of \$100 each bearing interest at five per cent. per annum and repayable in thirty years and shall be a first lien on the property 45 of the company.

Directors.

6. The board of directors of the company shall consist of not less than five nor more than nine persons who shall be

elected in the manner and possess the qualifications prescribed Rev. Stat. by The Electric Railway Act.

- 7. The head office of the said company shall be at the Head office. Village of Morrisburgh.
- 5 8. The several clauses of *The Electric Railway Act* and of Incorporation every Act in amendment thereto shall be incorporated with of provisions and be deemed to be part of this Act and shall apply to c. 209. the company and to the railway to be constructed by them except only in so far as they may be inconsistent with the

10 express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to incorporate the Morrisburgh Electric Railway.

First Reading, , 1902.

(Private Bill.)

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Morrisburgh Electric Railway Company.

WHEREAS Isabella F. Farlinger, of the Village of Morris- Preamble. burgh, in the County of Dundas, Land Owner; Edward McLaughlin, of the same place, Physician; William Kyle Farlinger of the same place, Farmer; John Augustus Farlinger, of the same place, Merchant, and Isaac J. Lane, of the Township of Williamsburgh, in the said county, Physician, have by their petition prayed for an Act of incorporation under the name of the "Morrisburgh Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the Village of Morrisburgh, in the County of Dundas, passing through the said Village of Morrisburgh, the Township of Williamsburgh and the Township of Winchester to some point in the Village of Winchester, in the said County of Dundas, with power to construct a branch line from some point on the said main line, through the townships of Williamsburgh and Winchester or the latter only, through the Village of Chesterville and Township of Winchester to the Village of Morewood in the said County of Dundas, with power to acquire, erect and operate hotels and sanitariums in connection with the running of said railway, and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Isabella F. Farlinger, Edward McLaughlin, William Kyle Incorporation. Farlinger and John Augustus Farlinger, of the Village of Morrisburgh, in the County of Dundas, and Isaac J. Lane, of the Township of Williamsburgh, in said County, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Morrisburgh Electric Railway Company."

2. The said company is hereby authorized and empowered Location of to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity from some point in the Village of Morrisburgh, in the County of Dundas, passing through the said Village of Morrisburgh, the Township of Williamsburgh and the

Township of Winchester, to some point in the Village of Winchester, in the said county, and also to survey, lay out, construct, alter, and keep in repair a branch line consisting of a double or single track railway, with iron or steel rails, to be operated by electricity from a point on the main line through the said Township of Williamsburgh and Winchester or the latter only through the Village of Chesterville and the Township of Winchester to some point in the Village of Morewood, in the said County of Dundas; and the said railway or the branch line thereof or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in The Electric Railway Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways ; and the said Company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in The Electric Railway Act and in The Municipal Act and any Act or Acts amending the same.

Rev. Stat. c. 209.

Rev. Stat. c. 209. Rev. Stat. c. 223.

Provisional directors.

3. The said Isabella F. Farlinger, Edward McLaughlin, William Kyle Farlinger, John Augustus Farlinger and Isaac J. Lane with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors.

4. All the meetings of the provisional board of directors of the said company shall be held in the Village of Morrisburgh, in the County of Dundas, or at such other place as may best suit the interests of the said company.

Annual meeting.

5. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$300,000 to be divided into 3,000 shares of \$100 each.

Directors
Rev. Stat.
c. 209.

7. The board of directors of the company shall consist of not less than five nor more than nine persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act*.

Head office.
Power to erect
hotels and
sanitarium.
Rev. Stat.
c. 245.
Rev. Stat.
c. 248.

- Head office.

  8. The head office of the said company shall be at the Power to erect Village of Morrisburgh.
  - ₹9. The company may purchase land for and (subject to the provisions of The Liquor License Act and The Public Health

Act) may erect, maintain and operate hotels and sanitariums in connection with the said railways.

10. The several clauses of *The Electric Railway Act* and of Incorporation every Act in amendment thereto shall be incorporated with of Provisions and be deemed to be part of this Act and shall apply to a 209. the company and to the railway to be constructed by them except only in so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

5th Session, 9th Legislature, 2 Edward VII., 1902.

An Act to incorporate the Morrisburgh Electric Railway Company.

First Reading, 21st January, 1902.

(Reprinted as amended by Railway Committee.)

Mr. WHITNEY.

TURONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Debenture Debt of the Town of Orillia.

WHEREAS the council of the municipal corporation of the Preamble. Town of Orillia have by their petition represented that they have erected, constructed and installed certain machinery, erections and plant for the purpose of generating, supplying, 5 furnishing and transmitting electrical power and energy at and from a certain water power in the River Severn adjacent to or in connection with broken lot number eleven in the eleventh concession of the Township of Matchedash in the County of Simcoe, under and by virtue of the provisions of 10 chapter sixty-four of the Statutes of Ontario, passed in the sixty-second year of Her Late Majesty Queen Victoria, and entitled "An Act respecting the Town of Orillia," and whoreas the said council have further by their petition represented that it has become necessary and expedient in order to more fully 15 equip, complete, perfect and operate the said plant and works so erected and maintained to expend a sum or sums of money not exceeding fifty thousand dollars, and to amend the said Act, chapter sixty-four, by inserting the word "twenty" before the word "five" in the thirteenth line of the preamble 20 of said Act, and also before the word "five" in the fifteenth line of section one thereof, and by striking out and repealing all the words after the word "Simcoe" in section two of the said Act, and by striking out and repealing sub-section two of

Whereas it is expedient to grant the prayer of said petition, therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as

said Act, and inserting and enacting in lieu thereof the

25 amendment hereinafter mentioned, and

follows:

30 . 1. It shall be lawful for the municipal council of the cor- Debentures poration of the Town of Orillia aforesaid for the purposes of suthorized. more fully equipping, completing, perfecting and operating the said plant and works authorized, installed, erected, maintained and operated under and by virtue of the provisions of said 35 chapter sixty-four of the Statutes of Ontario, passed in the

sixty-second year of the reign of Her Late Majesty, and according to the true intent and meaning thereof to pass one or more by laws to authorize the issue of debentures of said corporation for, and borrow a sum or sums of money not ex-

40 ceeding in the aggregate the sum of fifty thousand dollars in

such sums of not less than one hundred dollars each as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in Schedule A to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said Town of Orillia for the time being, and may be made payable either in sterling currency in Great Britain in this Province, or else- 10 where as to the said council of the said corporation shall seem expedient.

Assent of electors required.

- 2. No such by-law or by-laws referred to in section one of this Act shall be passed by the said council of the Town of Orillia until the same has been submitted to and received the 15 assent of a majority of the ratepayers of the said Town of Orillia who shall vote thereon.
- 3. Section one of said chapter sixty-four is hereby amended 62 V. c 64, s. 1, amended. by inserting the word "twenty" before the word "five" wherever it occurs in said section one, and by adding the 20 words "or elsewhere within such radius" to said section one.
- 62 V. c 64, 4. Section two of the said chapter sixty-four is hereby s. 2, amended amended by striking out thereof all words after the word "Simcoe" in the thirteenth line thereof.
- 62 V. c. 64, sub-s. 2 re-5. Subsection two of section two of the said chapter sixty- 25 four is hereby repealed and the following substituted therefor pealed.; Powers to be exercised in Township of
  - (2) Provided that the powers to be exercised by the corporation of the Town of Orillia under this section within the Orillia subject limits of the Township of Orillia shall be subject to and in accordance with the provisions of by-laws numbers 664, as 30 amended by by-law 704, and by-law 704 of the said Township of Orillia, which by-law 704 is set forth in and forms Schedule B hereto and the said by-law 664 as amended by by-law 704 and by-law 704 aforesaid are hereby validated 35 and confirmed.

Informalities not to invalidate debentures.

to by-laws.

(5) No irregularity in the form of the debentures to be issued under any of the said by-law or by-laws authorizing the issue of same shall render the same invalid or illegal, or be allowed as a defence to any action that may be brought against said corporation for the recovery of the said deben- 40 tures or interest, or any or either of them, or any part thereof.

### SCHEDULE A.

Town of Orillia loan debentures No. , under and by virtue of the Act passed in the second year of the reign of His Majesty King Edward VII and chaptered and by virtue of by-law No.

of the corporation of of the Town of Orillia passed under the provisions of the said Act the corporation of the Town of Orillia promises to pay the bearer at the Traders' Bank of Canada in the said Town of Orillia dollars on the day of 190 , and the half yearly coupons hereto attached as the same shall be severally fall due.

Dated at Orillia, in the County of Simcoe, this day of A. D.

> (SEAL) MAYOR.

> > TREASURER.

#### BY-LAW NO. 704 OF THE TOWNSHIP OF ORILLIA.

To amend by-law No. 664 of said Township of Orillia, respecting the corporation of the Town of Orillia and the Power Transmission Plant to be erected by the said town corporation and for other purposes.

Whereas by by-law No. 664 of the corporation of the Township of Orillia passed on the day of February, A. D. 1899, certain privileges connected with the erection and operation of an electrical power transmission plant were granted to the corporation of the Town of Orillia (hereinafter called the town corporation) subject to the condition contained in clause No. 9 of said by-law Number 664, that the said by-law should be null and void if the poles and wires were not erected and the line in operation on or before the first day of January, A. D. 1901.

And whereas the said power transmission plant has not been fully completed and put in operation within the time mentioned in clause nine of said By-law No. 664, and the said Township of Orillia are agreeable that the time for the further completion and putting in operation of the said power transmission line should be extended to the first day of November, 1903, and that said clause nine, of said By-law No. 664, should be amended accordingly.

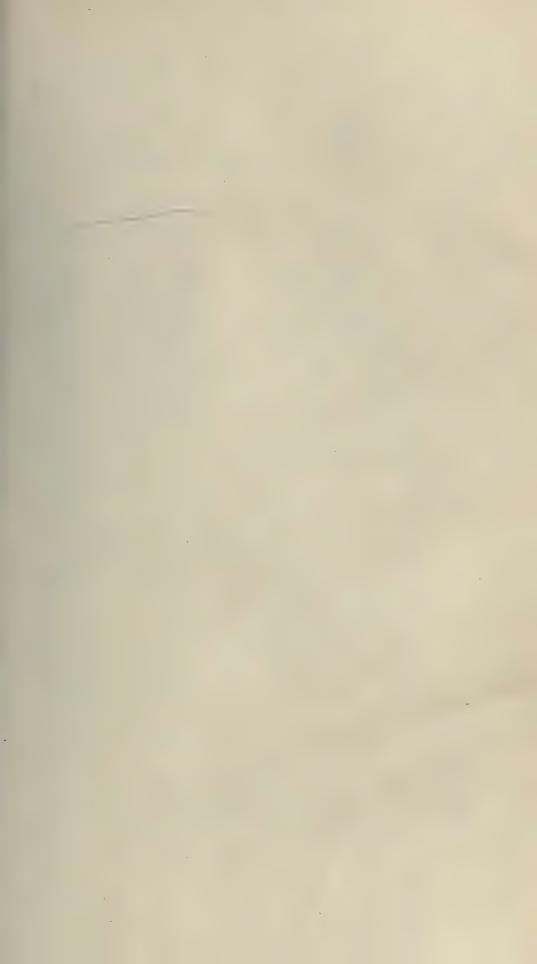
And whereas the said town corporation desires also to obtain the right and privilege to extend the lines of the said power transmission plant beyond the outside boundary of the said Town of Orillia, and for such purpose may find it necessary to erect poles and string wires and do other necessary work along and upon highways and sideroads in the Township of Orillia, in addition to those specified in By-law No. 664.

Therefore, the council of the corporation of the Township of Orillia enacts as follows :-

- (1) That clause No. 9, of By-law 664, be and the same is hereby repealed.
- (2) The said town corporation shall not be entitled to the privileges and powers conferred by said By-law 664, unless the said poles and wires are erected and the said line, erected pursuant thereto, is in operation on or before the first day of November, A. D. 1903, and it is understood that in the exercise of such privileges and powers the said Town of Orillia shall do no unnecessary damage.
- (3) The said town corporation is hereby allowed and authorized to erect poles, string wires and do all other necessary work for the purposes of the said power transmission plant upon the highway commonly known as the Barrie and Ridge Road, from the boundary of the said town corporation to the grounds of the Provincial Asylum in said township, doing as little damage as may be in the exercise of the powers hereby granted the said town corporation.

(4) The said town corporation is hereby authorized to erect poles, string wires and do all other necessary work upon any highway or sideroad in the said Township of Orillia, for the purpose of transmitting power, electric light or electric energy from said transmission plant, or any part thereof, to any point within any radius from the outside boundary of the said Town of Orillia at any time hereafter so long as the power transmission plant is operated by the said town corporation, provided always that in the exercise of the powers hereby granted to the said town corporation no unnecessary damage shall be done and also provided that before any line of poles or wires shall be erected other than those specially authorized by By-law 664, or this by-law, the express consent of the corporation of the Township of Orillia shall be obtained by by-law or by-laws to be enacted in that behalf describing the highways and sideroads upon which such additional poles and wires are to be erected and other necessary work is to be done.

(5) All the provisions and conditions contained in said By-law 664 shall extend and apply to any poles, wires or lines to be hereafter erected, constructed or operated under the authority of this by-law.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Debenture Debt of the Town of Orillia.

First Reading,

1902.

(Private Bill.)

Mr. MISCAMPBELL.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

### An Act respecting the Town of Orillia.

THEREAS the Municipal Corporation of the Town of Preamble. Orillia has by petition represented that under and by virtue of the provisions of chapter 64 of the statute of Ontario passed in the 62nd year of the reign of Her late Maje-ty, Queen Victoria, intituled An Act respecting the Town of Oxillia, the said municipal corporation has erected, constructed and installed machinery, works, erections and plant at and from a certain water power at the Ragged Rapids on the River Severn in the Township of Matchedash to the Town of Orillia in the County of Simcoe, for the purpose of generating and transmitting electrical energy to the Town of Orillia; and whereas the said municipal corporation has further represented that in order to provide for the payment therefor, and for further equipment, it has become necessary to provide an additional amount of money, and that it is desirable that the said municipal corporation should be empowered to increase the area within which the said municipal corporation was authorized by the said Act to distribute, sell and dispose of electrical power, to a radius of twenty-five miles from the Town of Orillia, and that the said Act ought to be amended accordingly; and whereas the Municipal Corporation of the Township of Orillia has passed a by-law, being By-law No. 704 of the said township, to facilitate the operations of the said town corporation within the limits of the said township in connection with the generation and distribution of electrical energy; and whereas the Municipal Corporation of the Town of Orillia has prayed that an Act may be passed authorizing the issue of debentures to the amount and for the purposes aforesaid, and amending the said Act in manner aforesaid, and confirming the said by-law of the Township of Orillia; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1: It shall be lawful for the Municipal Council of the Cor- Debentures poration of the Town of Orillia aforesaid for the purposes of for \$100,000 paying for and more fully equipping, completing, perfecting authorized. and operating the said plant and works authorized, installed, erected, maintained and operated under and by virtue of the

provisions of the Act passed in the 62nd year of the reign of Her Late Majesty, Queen Victoria, chaptered 64, and according to the true intent and meaning thereof, to pass one or more by-laws to borrow a sum or sums of money not exceeding in the aggregate the sum of \$100,000 and to authorize the issue of debentures of the said town corporation therefor in such sums of notless than one hundreddollars each as the council of the said town corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in Schedule A to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum payable half yearly, and shall be signed by the mayor and the treasurer of the Town of Orillia for the time being, and may be made payable either in sterling currency in Great Britain, in this Province, or elsewhere as to the said council of the said corporation shall seem expedient, provided that no such by-law or by-laws for further equipment shall be finally passed by the council of the said town until such by-law or by-laws shall have been submitted to and received the assent of a majority of the qualified ratepayers of the said town who shall vote thereon.

- (2) The corporation of the Town of Orillia is hereby authorized to pay to the contractors of the works in question all moneys to which the contractors may be found lawfully entitled, and shall be liable to pay the same, and the Corporation of the Town of Orillia may issue debentures for that purpose, without submitting a by-law to the vote of the qualified ratepayers of the said town.
- 2. Section 1 of the said Act is hereby amended by inserting 62 V. c. 64, s. 1, amended. the word "twenty" before the word "five" wherever it occurs in the said section, and by adding the words "or elsewhere within such radius" to the said section 1.
  - (2) Nothing in the said Act nor in this Act contained shall be deemed to authorize the Municipal Corporation of the Town of Orillia to extend or maintain the wires and plant necessary for the transmission of electric power to points beyond a radius of five miles from the outside boundary of the Town of Orillia, without the consent first obtained of the municipality or municipalities affected by any such extension.
- Section 2 of the said Act is hereby amended by striking s. 2, amended out the words "between the said lot eleven and the said Town of Orillia" where they occur in the 13th and 14th lines of the said section.
- 4. By-lay No. 704 of the Township of Orillia, set forth as Schedule B to this Act, is hereby validated and confirmed and declared to be legal and binding upon the said municipality, and the said Act, chapter 64 of the statutes passed in the 62nd

62 V. c. 64,

By-law 704 of Township of Orillia validated.

year of the reign of Her late Majesty Queen Victoria, and the schedule to the said Act are hereby declared to be subject to this Act. The

5. No irregularity in the form of the debentures to be is- Debentures sued under the said by-law or by-laws of the Town of Orillia to be issued validated. shall render the same invalid or illegal, or be allowed as a defence to any action that may be brought against the said corporation for the recovery of the said debentures or interest, or any or either of them, or any part thereof.

#### SCHEDULE A.

Town of Orillia loan debentures No. , under and by virtue of the Act passed in the second year of the reign of His Majesty King Edward

VII and chaptered and by virtue of by-law No.

of the corporation of of the Town of Orillia passed under the provisions of the said Act the corporation of the Town of Orillia promises to pay the bearer at the Traders' Bank of Canada in the said Town of Orillia dollars on the day of 190 , and the half yearly coupons hereto attached as the same shall be severally fall due.

Dated at Orillia, in the County of Simcoe, this day of A. D. 1902.

> (SEAL) MAYOR.

> > TREASURER.

### \*SCHEDULE B.

By-law No. 704 of the Township of Orillia.

To amend by-law No. 664 of said Township of Orillia, respecting the corporation of the Town of Orillia and the Power Transmission Plant to be erected by the said town corporation and for other purposes.

Whereas by by-law No. 664 of the corporation of the Township of Orillia passed on the 4th day of February, A. D. 1899, certain privileges connected with the erection and operation of an electrical power transmission plant were granted to the corporation of the Town of Orillia (hereinafter called the town corporation) subject to the condition contained in clause No. 9 of said by law Number 664, that the said by law should be null and void if the poles and wires were not erected and the line in operation on or before the first day of January, A. D. 1901.

And whereas the said power transmission plant has not been fully completed and put in operation within the time mentioned in clause nine of said By-law No. 664, and the said Township of Orillia are agreeable that the time for the further completion and putting in operation of the said power transmission line should be extended to the first day of November, 1903, and that said clause nine, of said By-law No. 664, should be amended accordingly.

And whereas the said town corporation desires also to obtain the right and privilege to extend the lines of the said power transmission plant beyond the outside boundary of the said Town of Orillia, and for such purpose may find it necessary to erect poles and string wires and do other necessary work along and upon highways and sideroads in the Township of Orillia, in addition to those specified in By-law No. 664.

Therefore, the council of the corporation of the Township of Orillia enacts as follows:—

(1) That clause No. 9, of By-law 664, be and the same is hereby amended by extending the time for the erection of the said poles and wires and the operation of the said line to the first day of November, A.D. 1903, instead of the first day of January, A. D. 1901, as therein specified.

(2) The said town corporation is hereby allowed and authorized to erect poles, string wires and do all other necessary work for the purposes of the said power transmission plant upon the highway commonly known as the Barrie and Ridge Road, from the boundary of the said town corporation

to the grounds of the Provincial Asylum in said township.

- (3) The said town corporation is hereby authorized to erect poles, string wires and do all other necessary work upon any highway or sideroad in the said Township of Orillia, for the purpose of transmitting power, electric light or electric energy from said transmission plant, or any part thereof, to any point within any radius from the outside boundary of the said Town of Orillia at any time hereafter so long as the power transmission plant is operated by the said town corporation, provided always that in the exercise of the powers hereby granted to the said town corporation no unnecessary damage shall be done and also provided that before any line of poles or wires shall be erected other than those specially authorized by By-law 664, or this by-law, the express consent of the corporation of the Township of Orillia shall be obtained by by-law or by-laws to be enacted in that behalf describing the highways and sideroads upon which such additional poles and wires are to be erected and other necessary work is to be done.
- (4) Except in so far as the same are hereby varied all the provisions and conditions contained in said By-law No. 664 shall extend and apply to any poles, wires or lines erected either before or since the said first day of January, A. D. 1901, or to be hereafter erected or constructed or operated under the authority of this by-law, and to the telephone line strung along the poles of said power transmission line between the said Town of Orillia and the limits of the said Township of Orillia.
- (5) The said town corporation shall pay the costs, charges and expenses of the township solicitors, Messrs. McCork & Thompson, of and incidental to the drawing and passing of this by-law.
- (6) Except as varied, modified or amended by this By-law, the said By-law No. 664 of the Township of Orillia is hereby re-enacted and confirmed.

Passed in Council this thirteenth day of January, A. D. 1902.

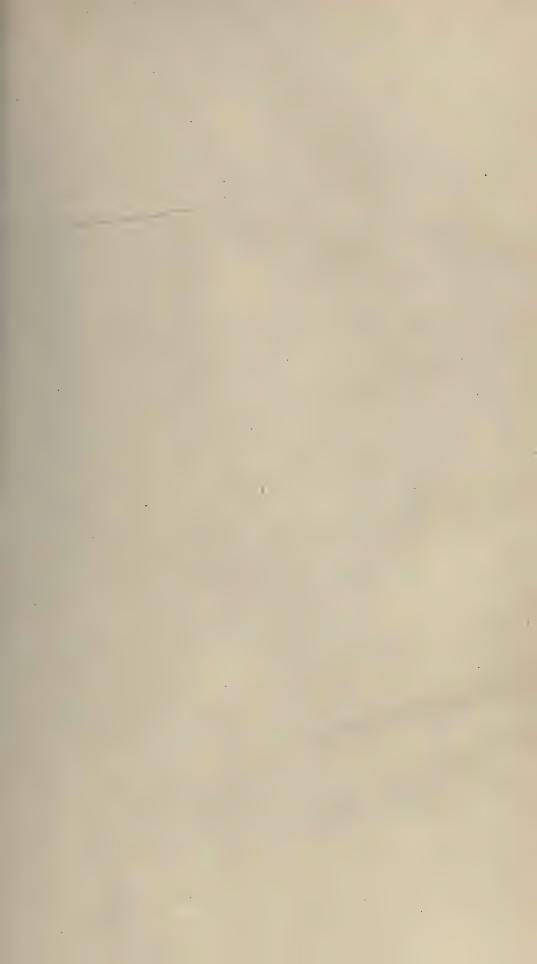
JOHN C. ROSE,

H. ELLIOTT,

Clerk.

Reeve.





5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the Debenture Debt of the Town of Orillia.

First Reading, 21st January, 1902.

(Reprinted as amended by the Private Bills Committee.)

Mr. MISCAMPBELL.

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

TORONTO:

An Act to amend the Act incorporating the Woodstock, Thames Valley and Ingersoll Electric Railway Company.

WHEREAS by an Act of the Legislature of Ontario passed Preamble. in the sixty-third year of the reign of Her Majesty,

Queen Victoria, chaptered 127, the Woodstock, Thames Valley and Ingersoll Electric Railway Company was incorporated 5 and by section 15 of the said Act the time for the completion of its undertaking was limited; and whereas the said company has constructed and is operating its railway between Woodstock and Ingersoll but has been unable to complete a small portion thereof in the City of Woodstock and the Embro

10 branch; and whereas by its petition said company has asked that the time for the completion of its undertaking be extended until the 30th November, 1906; and whereas said company has further asked that By-law No. 582 of the municipal corporation of the Town of Ingersoll be ratified and con-

15 firmed; and whereas said company has further asked power to pass a by-law creating preference stock; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 20 as follows:-

1. The time limited for completion by section 15 of the Extension of time for com-Act incorporating the Woodstock, Thames Valley and Inger-pletion. soll Electric Railway Company shall be extended until 30th November, 1906.

2. The said company may pass by-laws creating preference By-laws creatstock upon such terms as may to its directors appear expe-stock. dient; provided that such by-laws shall receive the unanimous assent of all the shareholders in said company.

3. By-law No. 582 of the municipal corporation of the Town By-law No. 582 confirmed. 30 of Ingersoll set forth in Schedule A to this Act is hereby confirmed and declared legal and binding upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the municipality to pass the same.

#### SCHEDULE A.

#### BY-LAW No. 582.

To grant certain privileges to "The Woodstock, Thames Valley and Ingersoll Electric Railway Company," and to declare and prescribe the terms and conditions on which its electric railway may be constructed, maintained and worked.

Whereas The Woodstock, Thames Valley and Ingersoll Electric Railway Company has requested the municipal council of the corporation of the Town of Ingersoll to pass a by-law authorizing the construction of an electric railway on such streets of the said town as hereinafter mentioned, and granting to the said company the other privileges hereinafter mentioned, but subject to the conditions and restrictions hereinafter mentioned,

And whereas notices of the application for this by-law has been duly given pursuant to subsection 4 of section 9 of The Electric Railway Act, and to section 632 of The Municipal Act.

And whereas it is expedient to grant the request of the said parties.

Be it therefore enacted by the municipal council of the corporation of the Town of Ingersoll, as follows:

- 1. The Woodstock, Thames Valley and Ingersoll Electric Railway Company, its successors and assigns, are hereby authorized to lay out, construct, make, complete, alter and keep in repair a steel railway to be operated by electricity, with single steel tracks with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to lay conducts under, and erect poles and wires on or over and along the streets in the said Town of Ingersoll hereinafter named, with all the powers conferred upon such company by The Electric Railway Act, such powers to continue for and during a term of forty years from the passing of this by-law, but on the terms and subject to the conditions and stipulations hereinafter contained, such streets being as follows, that is to say: Charles street from the easterly limit of the said town to Oxford street, Oxford street to King street. Provided, however, the corporation of the Town of Ingersoll shall have the power after the building of the station of the Tilsonburg, Lake Erie and Pacific Railway, to force the said company to connect with the said station by way of Charles street or King street west, within six months after notice given by the said corporation to the said connection before said notice is given if it so desires.
- 2. The company may carry freight and baggage, as well as passengers, and charge a reasonable compensation for carrying the same, all freight cars to be approved of by the council of this corporation.
- 3. The company shall have the right to lease its works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation, but subject to the provisions of this by-law.
- 4. The grades of the streets and the location upon the streets of the tracks and poles of the said company shall be under the supervision of the board of works. The poles shall be straight and of uniform size, and painted. The wires shall be strung not less than eighteen feet from the ground.
- 5. The rail to be used on the streets in the said corporation shall be a standard "T" rail, and shall be laid in such a manner as shall not obstruct the free passage of vehicles and carriages over the same.
- 6. The tracks of the said railway, and all the works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice.
- 7. The said company shall construct, and maintain in good repair, crossings of material acceptable to the board of works on the said streets at the various places of intersection of the tracks of the said electric rail-

way with any street which the same shall cross to the extent of the width of the track, and eighteen inches on each side thereof, the material for the same to be supplied by the said company.

- 8. During the operation of laying, removing and relaying the rails, a free passage for carriages and vehicles over the streets shall be kept open and unobstructed, and immediately after the rails have been laid or relaid, as the case may be, the street material removed or dug up in laying or relaying as aforesaid, shall be either removed by the company from, or spread over, the street from which the same shall have been taken, as shall be directed by the board of works of this corporation.
- 9. The corporation of the Town of Ingersoll, the said council and the officers and servants thereof, shall have the right to take up the streets traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or of laying down or repairing of gas or water-pipes and for any other purposes for the time being within the powers of the corporation without being liable to the said company for any damages that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, and the said company shall lay or relay their rails to any new grade established by the said corporation, and the said corporation shall not be liable for any damage the said company may sustain from any change of grade or from breakages of any sewer or water-pipes, but the said corporation shall in any case use due diligence in making all necessary repairs on such streets, but nothing herein shall be held to interfere with, or limit the rights of, any water or gas company incorporated, or that may be incorporated, in the said town.
- 10. Whenever it shall be deemed necessary by this corporation to pave any street occupied by the railway track of the said company, that portion of the street embraced between the rails of such track, switches and turnouts and eighteen inches on each side of said track shall in the first instance be paved by and at the expense of the said company and thereafter, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs to the railway, the company shall replace or repair the said pavement, all such repairs to be to the satisfaction of the board of works.
- 11. Where the company's tracks cross over any bridge the company shall be responsible for all extra repairs, also for strengthening the said bridge, if necessary, such work to be done under the supervision of the board of works
- 12. In case the said company shall fail to keep in good repair the said parts of the said streets upon and along which its tracks shall be laid as aforesaid and shall neglect to make such repairs within a reasonable time after notice in writing from the proper officer of the said corporation for the time being, served upon the president or other managing officer of the said company, specifying the particulars of such want of repair, then and in such case the said corporation shall be at liberty to cause such repairs to be made and to recover the cost thereof from the said company.
- 13. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said company, the same shall be by the said company evenly spread over the street so as not to obstruct the free passage of sleighs or other vehicles along the said streets, or removed by the said company as shall be directed by the proper officer of the said corporation and in no case shall the company make use of salt for the purpose of removing such snow or ice.
- 14. Whenever by reason of snow or ice the tracks of the said company shall be so obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized for a period not to exceed ten days to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

- 15. The number of regular trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms, and in no case less between Ingersoll and Beachville than between Woodstock and Beachville every regular trip to be continuous.
  - 16. The rate of speed shall not exceed ten miles an hour.
- 17. When the cars of the company are turning the corner from one street to another the same shall not be driven at a rate faster than a horse's walk.
- 18. No cars shall be allowed to stop on a crossing or in front of an intersecting street except to avoid collision or to prevent injury to persons in the streets or for other good cause, nor shall any car be left on or remain standing on any street at any time unless the same is being used and waiting for passengers.
- 19. When it is necessary to stop at the intersection of streets to receive or leave passengers the cars shall be stopped so as to leave the rear platform slightly over the crossing, after having crossed the intersecting street.
- 20. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding ten dollars exclusive of costs, to be imposed by any justice of the peace for the county of Oxford having jurisdiction in the said town and in case of non-payment to be collected by distress and sale of the goods of the offender and in default of sufficient distress, the offender may be imprisoned in the common goal for the said county of Oxford for a period not exceeding twenty-one days with or without hard labor.
- 21. Any conductor or other exployee who shall collect of any passenger more than the fare prescribed by law or by the by-laws and regulations of the company shall on conviction thereof before any justice of the peace for the said county of Oxford, pay a fine of not less than ten dollars exclusive of costs, such fine and costs to be levied by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common goal for the county of Oxford for any term not exceeding twenty-one days with or without hard labor.
- 22. The said company shall be subject to taxation and pay a rental of one hundred dollars per annum for the first ten years of the said term of forty years, for the second ten years of the said term the said company shall pay taxes and a rental of two hundred dollars per annum, for the third ten years of the said term the said company shall pay taxes and a rental of three hundred dollars per annum, for the fourth ten years of the said term the said company shall pay taxes and a rental of four hundred dollars per annum, the said rental to be paid half yearly and to commence from the time the first car is in operation within the said corporation.
- 23. The said company shall complete the railway within the said Town of Ingersoll within four months from the passing of this by-law.
- 24. If the said company fail to complete the construction of the railway as provided in clause 23 preceding or at any time ceases to operate said railway for one year, it shall forfeit all rights under this by-law.
- 25. The said company shall indemnify and save harmless the said corporation from any loss, costs or damages on account of any claim which may arise between the said corporation and The Ingersoll Electric Power and Light Company, the Ingersoll Radial Electric Railway Company, Telegraph or Telephone Companies, by reason of them or either of them claiming to have an exclusive franchise on said streets, or caused by the removal of any of the poles or property of the said companies, or caused by the removal, obstructing or changing of the approaches to any of the preperties on the said streets, and in the event of the Ingersoll Radial Railway Company requiring to use the tracks of the said company on any of the streets above mentioned the company further agrees that they may do

so, the rental for such use to be fixed by the municipal council of this corporation.

- 26. As soon as the tracks of the said company cross Mill Creek on Charles street east they shall then run along the centre of such street, along Charles street to Oxford street and up Oxford street to King street, and the said company shall pave between the rails and eighteen inches on each side of said track with material to be approved of by the Board of Works of the said corporation, the same to apply to the road up Charles street or King street west to the said station when built. The company shall also provide a suitable waiting room.
- 27. There shall be a uniform rate of fare along the said road, and in no case shall the company charge any more fare between Ingersoll and Beachville, either single or return, than they charge between Woodstock and Beachville.
- 28. This by-law shall not be binding upon this corporation unless and until the said company shall formally accept the same in such manner as to legally bind the said company to perform the same on its part, in which event this by-law shall constitute a complete contract between the said company and this corporation.
- 29. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law at their own expense.

Read a first and second time May 6th, 1901. Kead a third time and finally passed. Ingersoll, June 17th, 1901.

> JUSTUS MILLER, Mayor.

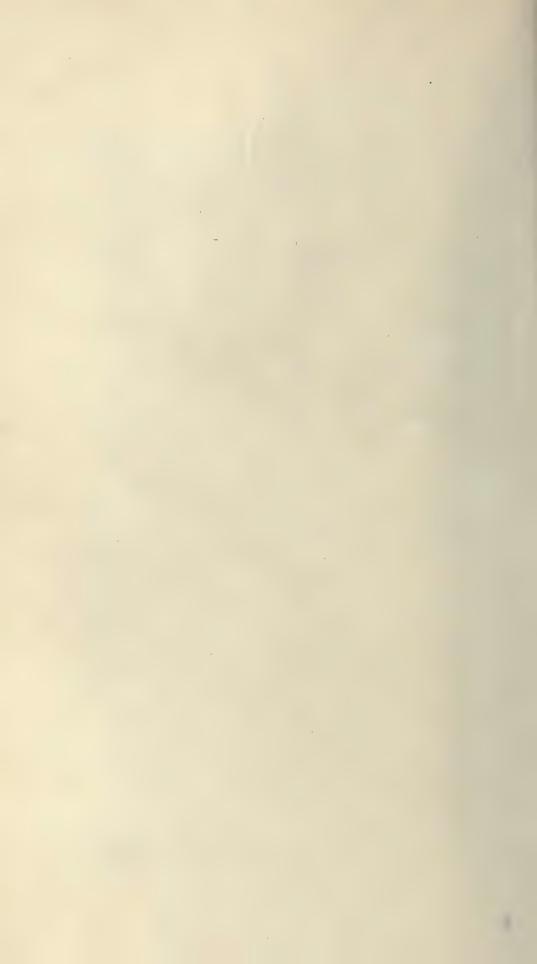
[Seal]

W. R. SMITH,

Clerk.

I, W. R. Smith, clerk of the Town of Ingersoll, do hereby certify that the within is a true copy of By-law No. 582, passed by the Municipal Council of the Town of Ingersoll on the 17th day of June, 1901.

W. R. Smith, [Seal]
Town Clerk.





5th Session, 9th Legislature, 2 Edward VII., 1902.

### RILL

An Act to amend the Act incorporating The Woodstock, Thames Valley and Ingersoll Electric Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. PATTULLO.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act to amend the Act incorporating the Woodstock, I hames Valley and Ingersoll Electric Railway Company.

WHEREAS by an Act of the Legislature of Ontario passed Preamble. in the sixty-third year of the reign of Her Majesty, Queen Victoria, chaptered 127, the Woodstock, Thames Valley and Ingersoll Electric Railway Company was incorporated and by section 15 of the said Act the time for the completion of its undertaking was limited; and whereas the said company has constructed and is operating its railway between Woodstock and Ingersoll but has been unable to complete a small portion thereof in the City of Woodstock and the Embro branch; and whereas by its petition said company has asked that the time for the completion of its undertaking be extended until the 30th day of November, 1906; and whereas said company has further asked that By-laws Nos. 582, 588 and 593 of the municipal corporation of the Town of Ingersoll and the Agreement dated the 30th day of December, 1901, set forth in Schedule "A" to this Act, be ratified and confirmed; and whereas said company has further asked power to pass a by-law creating preference stock; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The time limited for completion by section 15 of the Extension of Act incorporating the Woodstock, Thames Valley and Ingertine plation soll Electric Railway Company shall be extended until the 30th pletion. November, 1906, provided nothing in this section contained shall prejudice or affect the rights of the Town of Ingersoll Rights of under the Agreements made between the corporation of the Town of said town and the said Electric Railway Company, and under to be pre-By-Laws 582, 588 and 593 of the corporation of the said Town judiced. of Ingersoll relating thereto.

2.—(1) The directors may make a by-law for creating and Preference issuing any part of the capital stock as preference stock giv-stock, by-law ing the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the attairs of the company as may be considered expedient.

Unanimous sanction required.

with shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit. approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon

Special proviso.

Rights and liabilities of preference shareholders.

shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Rights of creditors preserved.

15) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

By-laws and agreement confirmed.

3. By-laws 582, 588 and 593 of the Municipal Corporation of the Town of Ingersoll and the Agreement dated the 30th day of December, 1901, set forth in Schedule "A" to this Act, are hereby confirmed and declared legal and binding upon the said The Woodstock, Thames Valley and Ingersoll Electric Railway Company and upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the municipality to pass the same.

#### SCHEDULE A.

#### By LAW No. 582.

To grant certain privileges to "The Woodstock, Thames Valley and Ingersoll Electric Railway Company," and to declare and prescribe the terms and conditions on which its electric railway may be constructed, maintained and worked.

Whereas The Woodstock, Thames Valley and Ingersoll Electric Railway Company has requested the municipal council of the corporation of the Town of Ingersoll to pass a by-law authorizing the construction of an electric railway on such streets of the said town as hereinafter mentioned, and granting to the said company the other privileges hereinafter mentioned, but subject to the conditions and restrictions hereinafter mentioned,

And whereas notices of the application for this by-law has been duly given pursuant to subsection 4 of section 9 of The Electric Railway Act, and to section 632 of The Municipal Act.

And whereas it is expedient to grant the request of the said parties.

Be it therefore enacted by the municipal council of the corporation of the Town of Ingersoll, as follows:

- 1. The Woodstock, Thames Valley and Ingersoll Electric Railway Company, its succ ssors and assigns, are hereby authorized to lay out, construct, make, complete, alter and keep in repair a steel railway to be operated by electricity, with single steel tracks with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to lay conduits under, and erect po'es and wires on or over and along the streets in the said Town of Ingersoll hereinafter named, with all the powers conferred upon such company by The Electric Railway Act, such powers to continue for and during a term of forty years from the passing of this by-law, but on the terms and subject to the conditions and stipulations hereinafter contained, such streets being as follows, that is to say: Charles atreet from the easterly limit of the said town to Oxford street. Oxford street to King street. Provided, however, the corporation of the Town of Ingersoll shall have the power after the building of the station of the Ti'sonburg Lake Erie and Pacific Railway, to force the said company to connect with the said station by way of Charles street or King street west, within six months after notice given by the said corporation to the said connection before said notice is given if it so desires.
- 2. The company may carry freight and baguage, as well as passengers, and charge a reasonable compensation for carrying the same, all freight cars to be approved of by the council of this corporation.
- 3. The company shall have the right to lease its works or an part thereof, and also the rights and privileges hereby granted, to any person or corporation, but subject to the provisions of this by law.
- 4. The grades of the streets and the location upon the streets of the tracks and poles of the said company shall be under the supervision of the board of works. The poles shall be straight and of uniform size, and painted. The wires shall be strung not less than eighteen feet from the ground.
- 5. The rail to be used on the streets in the said corporation shall be a standard "T" rail, and shall be laid in such a manner as shall not obstruct the free passage of vehicles and carriages over the same.
- 6. The tracks of the said railway, and all the works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice.
- 7. The said company shall construct, and maintain in good repair, crossings of material acceptable to the board of works on the said streets at the various places of intersection of the tracks of the said electric rail-

way with any street which the same shall cross to the extent of the width of the track, and eighteen inches on each side thereof, the material for the same to be supplied by the said company.

- 8. During the operation of laying, removing and relaying the rails, a free passage for carriages and vehicles over the streets shall be kept open and unobstructed, and immediately after the rails have been laid or relaid, as the case may be, the street material removed or dug up in laying or relaying as aforesaid, shall be either removed by the company from, or spread over, the street from which the same shall have been taken, as shall be directed by the board of works of this corporation.
- 9. The corporation of the Town of Ingersoll, the said council and the officers and servants thereof, shall have the right to take up the streets traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or of laying down or repairing of gas or water-pipes and for any other purposes for the time being within the powers of the corporation without being liable to the said company for any damages that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, and the said company shall lay or relay their rails to any new grade established by the said corporation, and the said corporation shall not be liable for any damage the said company may sustain from any change of grade or from breakage of any sewer or water-pipes, but the said corporation shall in any case use due diligence in making all necessary repairs on such streets, but nothing herein shall be held to interfere with, or limit the rights of, any water of gas company incorporated, or that may be incorporated, in the said town.
- 10. Whenever it shall be deemed necessary by this corporation to pave any street occupied by the railway track of the said company, that portion of the street embraced between the rails of such tracks, switches and turnouts and eighteen inches on each side of said track shall in the first instance be paved by and at the expense of the said company and thereafter, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs to the railway, the company shall replace or repair the said pavement, all such repairs to be to the satisfaction of the board of works.
- 11. Where the company's tracks cross over any bridge the company shall be responsible for all extra repairs, also for s'rengthening the said bridges, if necessary, such work to be done under the supervision of the board of works
- 12. In case the said company shall fail to keep in good repair the said parts of the said streets upon and along which its tracks shall be laid as aforesaid and shall neglect to make such repairs within a reasonable time after notice in writing from the proper officer of the said corporation for the time being, served upon the president or other managing officer of the said company, specifying the particulars of such want of repair, then and in such case the said corporation shall be at liberty to cause such repairs to be made and to recover the cost thereof from the said company.
- 13. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said company, the same shall be by the said company evenly spread over the street so as not to obstruct the free passage of sleighs or other vehicles along the said streets or rem wed by the said company as shall be directed by the proper officer of the said corporation and in no case shall the company make use of salt for the purpose of removing such snow or ice
- 14. Whenever by reason of snow or ice the tracks of the said company shall be so obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized for a period not to exceed ten days to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

- 15. The number of regular trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms, and in no case less between Ingersoll and Beachville than between Woodstock and Beachville every regular trip to be continuous.
  - 16. The rate of speed shall not exceed ten miles an hour.
- 17. When the cars of the company are turning the corner from one street to another the same shall not be driven at a rate faster than a horse's walk.
- 18. No cars shall be allowed to stop on a crossing or in front of an intersecting street except to avoid collision or to prevent injury to persons in the streets or for other good cause, nor shall any car be left on or remain standing on any street at any time unless the same is being used and waiting for passengers.
- 19. When it is necessary to stop at the intersection of streets to receive or leave passengers the cars shall be stopped so as to leave the rear platform slightly over the crossing, after having crossed the intersecting street.
- 20. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding ten dollars exclusive of costs, to be imposed by any justice of the peace for the county of Oxford having jurisdiction in the said town and in case of non-payment to be collected by distress and sale of the goods of the offender and in default of sufficient distress, the offender may be imprisoned in the common goal for the said county of Oxford for a period not exceeding twenty-one days with or without hard labor.
- 21. Any conductor or other employees who shall collect of any passenger more than the fare prescribed by law or by the by-laws and regulations of the company shall on conviction thereof before any justice of the peace for the said county of Oxford, pay a fine of not less than ten dollars exclusive of costs, such fine and costs to be levied by distress and sale of the gools of the offender, and in default of sufficient distress the offender may be imprisoned in the common goal for the county of Oxford for any term not exceeding twenty-one days with or without hard labor.
- 22. The said company shall be subject to taxation and pay a rental of one hundred dollars per annum for the first ten years of the said term of forty years, for the second ten years of the said term the said company shall pay taxes and a rental of two hundred dollars per annum, for the third ten years of the said term the said company shall pay taxes and a rental of three hundred dollars per annum, for the fourth ten years of the said term the said company shall pay taxes and a rental of four hundred dollars per annum, the said rental to be paid half yearly and to commence from the time the first car is in operation within the said corporation.
- 23. The said company shall complete the railway within the said Town of Ingersoll within four months from the passing of this by-law.
- 24. If the said company fail to complete the construction of the railway as provided in clause 23 preceding or at any time ceases to operate said railway for one year, it shall forfeit all rights under this by-law.
- 25. The said company shall indemnify and save harmless the said corporation from any loss, costs or damages on account of any claim which may arise between the said corporation and The Ingersoll Electric Power and Light Company, the Ingersoll Radial Electric Railway Company, Telegraph or Telephone Companies, by reason of them or either of them claiming to have an exclusive franchise on said streets, or caused by the removal of any of the poles or property of the said companies, or caused by the removal, obstructing or changing of the approaches to any of the properties on the said streets, and in the event of the Ingersoll Radial Railway Company requiring to use the tracks of the said company on any of the streets above mentioned the company further agree that they may do

so, the rental for such use to be fixed by the municipal council of this corporation.

- 26. As soon as the tracks of the said company crosses Mill Creek on Charles street east they shall then run along the centre of such street, along Charles street to Oxford street and up Oxford street to King street, and the said company shall pave between the rails and eighteen inches on each side of said track with material to be approved of by the Board of Works of the said corporation, the same to apply to the road up Charles street or King street west to the said station when built. The company shall also provide a suitable waiting room.
- 27. There shall be a uniform rate of fare along the said road, and in no case shall the company charge any more fare between Ingersoll and Beachville, either single or return, than they charge between Woodstock and Beachville.
- 28. This by-law shall so to be binding upon this corporation unless and until the said company shall formally accept the same in such manner as to legally bind the said company to perform the same on its part, in which event this by-law shall constitute a complete contract between the said company and this corporation.
- 29. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law at their own expense.

Read a first and second time May 6th, 1901. Read a third time and finally passed. Ingersoll, June 17th, 1901.

> JUSTUS MILLER, Mayor.

[Seal]

W. R. SMITH, Clerk.

By-Law No. 588.

Entitled a By-law to amend Section twenty.three of By-law five hundred and eighty-two.

Whereas "The Woodstock, Thames Valley and Ingersoll Electric Railway Company" have not completed their electric railway in the Town of Ingersoll within the time fixed by section twenty-three of By law Number 582 and whereas the said company have requested this corporation to extend the time for completing the same, and whereas it is desirable to grant the request of the said company, and to amend section 23 of By law Number 582 in conformity therewith,

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Ingersoll,

(1) That section twenty-three of By-law number five hundred and eighty-two of the Municipal Council of the Corporation of the Town of Ingersoll, finally passed on June the 17th, 1901, be and the same is hereby amended, by striking out the words "within four months from the passing of this by-law," and by substituting therefor the words and figures following, "on or before the first day of December, 1901."

Read a third time and finally passed.

Ingersoll, October 15th, 1901.

(Sgd.) JUSTUS MILLER, Mayor.

W. R. SMITH, Clerk.



#### By-LAW No. 593.

#### Of the Municipal Corporation of the Town of Ingersoll.

Entitled a By-law to amend By-law No. 582 and to provide for the execution of a certain agreement, between The Woodstock, Thames Valley & Ingersoll Electric Railway Company, and, The Corporation of the Town of Ingersoll.

Whereas The Woodstock, Thames Valley & Ingersoll Electric Railway Company, have not completed their electric road, in the Town of Ingersoll, within the time fixed by By-law numbers 582 and 588,

And whereas the said company have requested this corporation to extend the time for completing the same for the term of six months from the 30th day of December 1901, and have entered into an agreement to complete the same, which agreement is marked "A" and attached to this By-law and made part hereof.

And whereas it is desirable to grant the request of the said company, and that the corporation of the Town of Ingersoll shall execute the said agreement.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Ingersoll,

- 1. That section 23 of the By-law No. 582 of the Municipal Council of the Corporation of the Town of Ingersoll as amended by By-law 588, dated October 15th 1901, is hereby amended by striking out the words "On or before the first day of December 1901," and by substituting therefor the words and figures following, "On or before the 30th day of June 1902."
- 2. And the Mayor of this corporation and the Clerk are hereby authorized and empowered on behalf of the Corporation of the Town of Ingersoll, to execute the agreement marked as Schedule "A" to this By-law and hereunto attached.

Read a first, second and third time and finally passed, Ingersoll, October 31st, 1901.

(Sgd.) Justus Miller, Mayor.

"W. R. Smith, Clerk.



#### SCHEDULE "A."

#### Referred to in annexed By-law.

Memorandum of Agreement made this 30th day of December, 1901, between The Woodstock, Thames Valley and Ingersoll Electric Railway Company, of the First Part; and The Corporation of the Town of Ingersoll, of the Second Part.

Whereas, under By-law No. 582 of the Corporation of the Town of Ingersoll, the party of the First Part is granted a franchise for forty years under certain stipulations contained in the said by-law,

And whereas certain things have yet to be done before the contract contained in the said by-law is completed by the said party of the First Part,

And whereas the matters yet to be completed are set out in schedule "A" hereto annexed,

And whereas the said party of the First Part has requested the party of the Second Part to pass a by-law extending the time for completing the various matters set out in said Schedule "A" for the period of six months,

And whereas the party of the Second Part has consented upon the execution of this agreement by the parties hereto to pass a by-law as aforesaid,

Now this agreement witnesseth that in consideration of the premises and the sum of one dollar paid by the party of the First Part to the party of the Second Part, the said party of the Second Part agrees that upon the execution of this agreement that a by-law will be passed by the Corporation of the Town of Ingersoll extending the time for the completion of the matters set forth in Schedule "A" hereto for a period of six months.

And the said party of the first part agrees for itself, its successors and assigns to and with the said party of the second part to complete the various matters set out in said schedule "A" within six months from this date or to forfeit the sum of five dollars per day as liquidated damages until completion of this agreement.

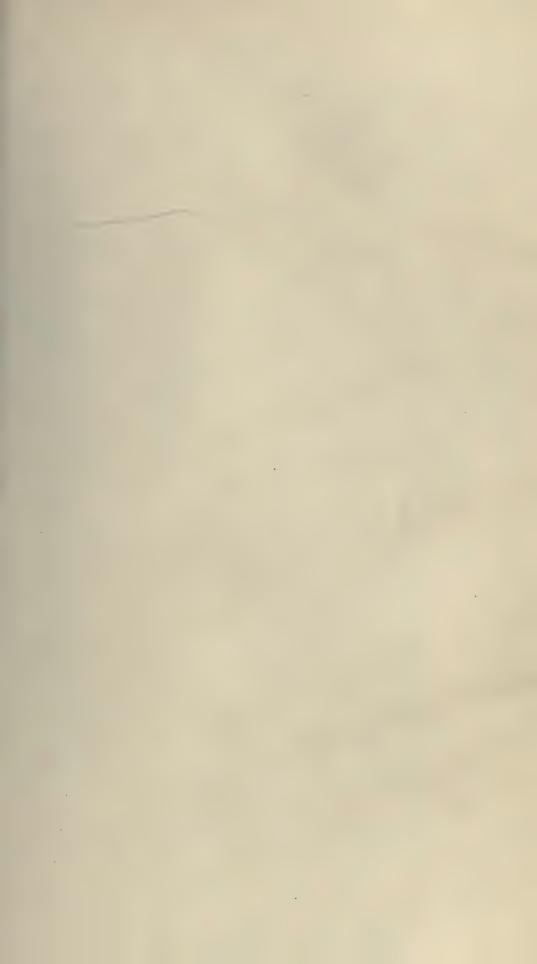
In witnesss whereof the parties hereto have affixed their corporate seal.

JOHN B. JACKSON. (Sgd.) J. G. WALLACE, (Sgd.) President. Corpor ate J. H. ARMSTRONG, (Sgd.) Seal Secretary. (Sgd.) JUSTUS MILLER, Mayor. Corpor ate W. R. SMITH, (Sgd.) Seal. Clerk.

#### 5

#### SCHEDULE "A."

- (1) Completion of track from end of present track on Oxford street to the north line of King street crossing.
- (2) Grade on Oxford street of present track to be lowered to a satisfactory grade.
  - (3) All company poles within corporation to be painted.
  - (4) Railing to be put up on north side of Mill Creek bridge.
- (5) Railing to be put up on the north side of railway track across the two gulleys on the north side of Charles street at Wixon's and Haines' property.
  - (6) Cement crossing on Oxford street at Charles street crossing.
- (7) A suitable waiting room at or near the line of track to be situate between King street and the Mill Creek.
- All the above to be done to the satisfaction of the Board of Works of the Town of Ingersoll



5th Session, 9th Legislature, 2 Edward VII, 1902.

### BILL.

An Act to amend the Act incorporating The Woodstock, Thames Valley and Ingersoll Electric Railway Company.

First Reading, 24th January, 1902.

(Reprinted as amended by Railway Committee.)

Mr. PATTULLO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Mest Excellent Majesty.

### An Act respecting the Town of Dresden.

WHEREAS the corporation of the Town of Dresden has Preamble. represented by their petition, that after having given due notice thereof as required by The Municipal Act, the corporation submitted to the vote of the electors of the said town, By-law 5 number 277 granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the said Town of Dresden; that the vote on said by-law was duly taken on 2nd September 1901, three hundred and six of the electors voting in favor of and fourteen voting against 10 said by-law, the whole number of persons qualified to vote being four hundred; that said by law was read a third time and finally passed on 8th October 1901; that the payment of such bonus and of all similar bonuses already granted by the said municipality, will require an annual levy for principal and 15 interest exceeding ten per cent. of the total annual taxation of said municipality contrary to the provisions of section 591 of The Municipal Act as amended by section 9, 63 Victoria, chapter 36; that on 30th December 1901, the said corporation entered into an agreement with The Dresden Sugar Company, 20 Limited, whereby said corporation agreed to pay to said company the amount of said bonus upon completion of the works set out in said agreement; that the said company in pursuance of the said agreement have purchased a site in said town and have let a contract for the erection of the necessary build-25 ings and works; that to enable the corporation to carry out said agreement on their part it is necessary that the said bylaw, the issue and payment of the debentures therein specified and the said agreement should be validated and confirmed; and whereas the said corporation has by its said petition 30 prayed that said by-law, the issue and payment of said debentures and the said agreement be validated and confirmed; and whereas it is deemed advisable to encourage the manufacture of beet sugar in the Province of Ontario; and whereas no opposition has been offered to the prayer of the said petition; 35 and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 277 confirmed.

1. By-law number 277 of the corporation of the Town of Dresden, set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said corporation to pass the 5 said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or in the preliminaries thereto, and the said corporation of the Town of Dresden is hereby authorized and empowered to issue debentures as provided by said by-law and from time to time 10 to make all necessary assessments and collections for the payment of same as they become due, and the said debentures so to be issued under the said by-law are hereby declared legal and binding upon the said municipality and the said corporation is hereby authorized and empowered to do all acts neces- 15 sary for the full and proper carrying out of the said By-law number 277.

Agreement with Sugar Co. confirmed.

2. The agreement hereinbefore referred to and set out in Schedule B to this Act is hereby validated and confirmed and declared legal and binding upon the parties thereto, their 20 successors and assigns, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said agreement.

Repayment of bonus if company fails to carry out agreement

3. In the event of the said company failing to establish and operate the said works according to the terms of said by-law 25 and agreement, or in the event of the said company at any time during the term of ten years discontinuing business or going into liquidation, or failing to comply substantially with the terms of the said by-law and agreement, the said company shall notwithstanding any provisions in the said by-law or 30 agreement contained, repay to the said corporation the amount of said bonus of \$40,000 and interest thereon from the date of such event at four per cent. per annum, and in any such event the said amount shall become and is hereby declared to be a first charge in favour of the said corporation upon the property and assets of the company.

#### SCHEDULE A.

By-LAW No. 277.

A by-law granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the Town of Dresden.

Whereas it is considered advisable to grant the sum of forty thousand dollars by way of bonus to aid in the establishment of works for the manufacture of sugar and similar products from sugar beets.

And whereas no industry of a similar nature is now established in the said municipality.

And whereas the amount of the debt which is intended to be created by this by law is the sum of \$40,000 with four per cent. interest thereon until the debentures to be issued therefor are paid.

And whereas, the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of \$2,943 28.

And whereas, the amount of the whole rateable property of the said municipality according to the last revised assessment roll is the sum of \$393,634.

And whereas, the amount of the existing debenture debt of the municipality is the sum of \$28,054.82 of which no part is in arrear.

And whereas, the payment of such bonus will require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of the said municipality.

Be it therefore enacted, and it is hereby enacted by the municipal council of the Town of Dresden, as follows:—

- 1. That it shall and may be lawful for the municipal council of said town to aid such person or persons or body corporate as to the said council may seem meet, in the purchase of land and the erection and establishment of works for the manufacture of sugar and similar products from sugar beets, by granting to such person or persons or body corporate the sum \$40,000 by way of bonus, upon the conditions that said works and land shall cost not less than \$400,000, that said works shall be capable of producing at least twenty tons of fully refined sugar daily, and shall be when completed a well equipped factory of the latest design for the production of fully refined sugar, and upon such other conditions as said council may deem best.
- 2. That for such purpose the mayor of said town may borrow upon the credit of the corporation of said town the sum of \$40,000 and may issue therefor the debentures of the said corporation under the seal of the corporation signed by the mayor and the treasurer thereof and in sums of not less than \$100 each, the principal and interest of such debentures to be repayable within twenty years from the date of issue thereof, as hereinafter provided, at the Canadian Bank of Commerce in Dresden, in annual payment, so that the aggregate amount of principal and interest in each year shall equal as nearly as may be the amount payable for principal and interest in every other year of said term, such debentures to have attached to them coupons for the payment of interest annually at the rate of four per cent. per annum at the said bank.
- 3. Such debentures shall be issued and bear date upon the day provided by any agreement which may have been or may hereafter be entered into respecting same by said council with such person or persons or body corporate or any of them.
- 4. A special rate upon all the rateable property in said town over and above all other rates and sufficient to discharge the said yearly payments of principal and interest as the same become due, namely, the sum of \$2,943.28 shall be annually levied and collected commencing from the date of issue of said debentures.
- 5. The purchaser or holder of any of the debentures aforesaid shall not be bound to see to the application of said bonus nor of any part thereof, nor to the performance of any of the conditions contained in this by-law or in any agreement that may be entered into thereunder but shall hold said debenture absolutely freed and discharged from such conditions.
- 6. The said council may also remit the taxes upon the said land and works for a period not greater than ten years from the completion thereof or such portion thereof as to them mny seem best.
- 7. This by-law shall not take effect until legalized and confirmed by the legislative assembly of the Province of Ontario.

- 8. The votes of the duly qualified electors of the said Town of Dresden, shall be taken on this by-law on Monday, the second day of September, A. D. 1901, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, for the north ward at the frame school house, George B. Rush, returning officer; for the centre ward, at the council chamber in the fire hall, Benson Gillaspie, returning officer; and for the south ward, at the town hall, James B. Carscallen, returning officer.
- 9. On the thirty-first day of August A. D. 1901, at ten o'clock in the forenoon the mayor of said municipality shall attend at the said council chamber for the purpose of appointing two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law.
- 10. The clerk of said council shall at said council chamber after the close of the polls on the said second day of September, A. D. 1901, sum up the number of votes given for and against the by-law.

#### SCHEDULE B.

Articles of agreement made and entered into this thirtieth day of December, A.D. one thousand nine hundred and one, between the Municipal Corporation of the Town of Dresden herein called 'the corporation," of the first part, and The Dresden Sugar Company, Limited, herein called "the company," of the second part.

Whereas the corporation is desirous of promoting and securing the establishment within said town, of a factory for the manufacture of sugar and similar products from sugar beets; and

Whereas said company is willing to erect and establish such a factory upon the the conditions hereinafter contained,

Now therefore these presents and the parties hereto, for themselves, their successors and assigns, mutually covenant, promise and agree, the one with the other, as follows, that is to say:—

The company shall within two months after the confirmation by the proper authorities of the by-law hereinafter mentioned, purchase within the limits of the said Town of Dresden a site suitable for the establishment thereon of the buildings and works hereinafter mentioned for an estate in fee simple, and shall erect upon said site buildings suitable for the purposes of said factory, and shall place in said building all necessary and up-to date machinery for the manufacture of sugar and similar products from sugar beets and capable of turning out at least twenty-five tons of the finished product daily.

Such plant and machinery shall be of the most approved and latest pattern and design, and such building plant and machinery shall cost not less than \$400,000 (four hundred thousand dollars), and the whole when completed shall make a modern, up-to-date and well-equipped sugar factory for the manufacture of standard sugar and other similar products, and shall be fully completed and ready for operation for the beet crop of 1902, and not later than the first day of November, 1902, unavoidable casualties and contingencies excepted or any other causes beyond the company's control.

Should there be a dispute as to the cost of said building plant and machinery, the same shall be determined by a referee, to be appointed by a judge of the County Court of the County of Kent.

The company shall properly maintain and operate and continually operate and repair and keep in good working order, and repair the said building plant and machinery for a term of ten years after the payment to them of the bonus hereinafter mentioned for such period of time, each year of such term as the supply of sugar beets to such company admits of, provided, however, that in case said company is hindered or delayed by casualties, combines, strikes and lockouts, or stress of weather, by which said company cannot successfully operate its said building plant and machinery as aforesaid, in which case, upon the happening of any of said causes or events, the said company shall be relieved from its operations while so hindered and delayed.

The office or place of business of the company shall be in the Town of Dresden and the business office of the company shall be located within the limits of the corporation.

Should the company make default in any of the conditions or agreements herein contained and by it to be performed, it shall repay to the corporation (as liquidated damages) the amount of the bonus hereinafter mentioned, namely forty thousand dollars, with interest at four per cent. thereon, from the time of such default, which amount shall thereupon become a charge in favor of the said corporation upon the property and assets of the company.

The company shall, if so desired by the corporation, furnish to the corporation at least 100 tons of cinders annually during said term of ten years free of charge, provided there are sufficient accumulation of cinders from the business of said company each year to permit such company to furnish such quantity.

Upon the completion of the said building plant and machinery in complete working order and fully in operation and manufacturing a standard grade of sugar, in the quantity hereinbefore mentioned, the corporation shall pay to the company as a bonus forty thousand dollars (\$40,000) in legal currency.

The corporation shall remit to said company during said term of ten years all taxes upon said building plant and machinery in excess of the sum of \$20,000 annually.

The corporation shall during the first three years of said term assist in obtaining from the farmers in the neighborhood of the said town agreements for the required acreage for the growth of sugar beets.

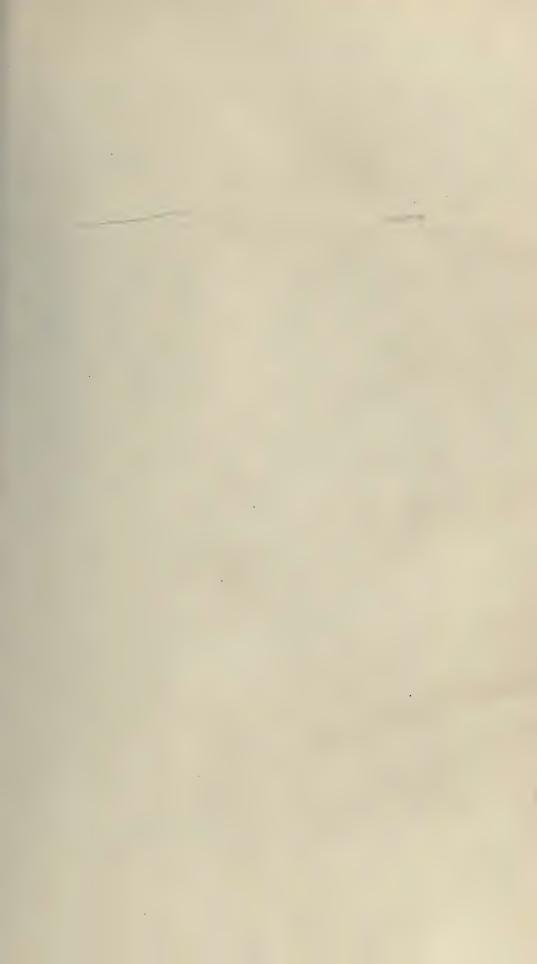
The corporation shall grant to the company the free and exclusive use and possession of the following streets and highways or parts thereof within the Town of Dresden, namely:—

- 1. That part of Metcalfe avenue lying between the southern limit of Lindsley street and the northern limit of Brown street;
- 2. That part of Lindsley street from the westerly limit of West street to Metcalfe avenue aforesaid;
- 3. All streets or public ways lying between lots numbers one hundred and three and one hundred and ten on the north side of Metcalfe avenue aforesaid leading from said Metcalfe avenue to the River Sydenham, for such period as said company shall be engaged in its operations, and said corporation shall institute proper proceedings for the closing of said streets and highways or parts thereof, and the granting to and vesting in said company of such use and possessions, subject, however, to any rights possessed by the Erie and Huron Railway Company or its assigns, in consideration of which the said company agrees to grant to said corporation a right of way four rods wide leading to the River Sydenham from Metcalfe avenue between the aforesaid lots one hundred and three and one hundred and ten on the north side of Metcalfe avenue, but at such point between said lots as may hereafter be agreed upon.

This agreement shall not become binding upon the corporation until the by-law granting such bonus has been legalized and confirmed by an Act of the Legis'ature of the Province of Ontario, which Act may be substantially similar to chapter 74 Ontario 1 Edw. VII., 1901.

In witness whereof the said corporation and said company have caused their corporate seals to be affixed and attested by signatures of the proper officers.

Witness: (Sgd.)	WALTER H. CLAPP.			
4	(Sgd.	Asa Ribble, Mayor.	Corp. Sealo	
	(Sgd.)	ARTHUR SMITH, Treasurer.	Dresden.	
	(Sgd.)	JNO. H. WALLH, Secretary.	Dresden Sugar Co. Lt'd. Corp. Sl.	



5th Session, 9th Legislature, 2 Edward VII., 1902.

## DILLI.

An Act respecting the Town of Dresden

First Reading,

, 1902.

(Private Bill.)

Mr. LEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Dresden.

WHEREAS the Corporation of the Town of Dresden has represented by their petition, that after having given due notice thereof as required by The Municipal Act, the corporation submitted to the vete of the electors of the said town, By-law number 277 granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the said Town of Dresden; that the vote on said by-law was duly taken on 2nd September 1901, 306 of the electors voting in favor of and 14 voting against said by-law, the whole number of persons qualified to vote being 400: that the said by law was read a third time and finally passed on 8th October 1901; that the payment of such lonus and of all similar bonuses already granted by the said municipality, will require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of said municipality contrary to the provisions of section 591 of The Municipal Act as amended by section 900 of the Act passed in the 63rd year of Her late Majesty Queen Victoria, chaptered 33; sthat on 30th December 1901, the said corporation entered into an agreement with The Dresden Sugar Company, Limited, whereby said Corporation of the Town of Dresden agreed to pay to the said company the amount of the said bonus upon completion of the works set out in the said agreement; that the said company in pursuance of the said agreement have purchased a site in the said town and have let a contract for the erection of the necessary buildings and works; that to enable the Corporation of the Town of Dresden to carry out the said agreement on their part it is necessary that the said by-law, the issue and payment of the debentures therein specified and the said agreement should be validated and confirmed; and whereas the said Corporation of the Town of Dresden has by its said petition prayed that the said by-law, the issue and payment of the said debentures and the said agreement be validated and confirmed; and whereas it is deemed advisable to encourage the manufacture of beet sugar in the Province of Ontario; and whereas no opposition has been offered to the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

By-law 277 confirmed.

1. By-law number 277 of the Corporation of the Town of Dresden, set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said corporation to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or in the preliminaries thereto, and the said Corporation of the Town of Dresden is hereby authorized and empowered to issue debentures as provided by said by law and from time to time to make all necessary assessments and collections for the payment of same as they become due, and the said debentures so to be issued under the said by-law are hereby declared legal and binding upon the said municipality and the said corporation is hereby authorized and empowered to do all acts necessary for the full and proper carrying out of the said By-law number 277.

Agreement with Sugar Co. confirmed.

2. The agreement hereinbefore referred to and set out in Schedule B to this Act is hereby validated and confirmed and declared legal and binding upon the parties thereto, their successors and assigns, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said agreement.

Repayment of bonus if company fails to carry out agreement

- 3. In the event of the said company failing to establish and operate the said works according to the terms of the said by-law and agreement, or in the event of the said company at any time during the term of ten years discontinuing business or going into liquidation, or failing to comply substantially with the terms of the said by-law and agreement, the said company shall notwithstanding any provisions in the said by-law or agreement contained, repay to the said Corporation of the Town of Dresden the amount of the said bonus of \$40,000 and interest thereon from the date of such event at four per cent. per annum, and in any such event the said amount shall become and is hereby declared to be a first charge in favour of the said corporation upon the property and assets of the company.
- 4. Providing that notwithstanding anything to the contrary in this Act, neither the said by-law or agreement shall be deemed to authorize the waiver or remission of rates for school purposes or any exemption in respect thereof.

#### SCHEDULE A.

By-LAW No. 277.

A by-law granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the Town of Dresden.

Whereas it is considered advisable to grant the sum of forty thousand dollars by way of bonus to aid in the establishment of works for the manufacture of sugar and similar products from sugar beets.

And whereas no industry of a similar nature is now established in the said municipality.

And whereas the amount of the debt which is intended to be created by this by law is the sum of \$40,000 with four per cent. interest thereon until the debentures to be issued therefor are paid.

And whereas, the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of \$2,943 28.

And whereas, the amount of the whole reteable property of the said municipality according to the last revised assessment roll is the sum of \$393,634.

And whereas, the amount of the existing detenture debt of the municipality is the sum of \$28,054 82 of which no part is in arrear.

And whereas the payment of such bonus will require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of the said municipality.

Be it therefore enacted, and it is hereby enacted by the municipal council of the Town of Dresden, as follows:—

- 1. That it shall and may be lawful for the municipal council of said town to aid such person or persons or body corporate as to the said council may seem meet, in the purchase of land and the erection and establishment of works for the manufacture of sugar and similar products from sugar beets, by granting to such person or persons or body corporate the sum \$40,000 by way of bonus, upon the conditions that said works and land shall cost not less than \$400,000, that said works shall be capable of producing at least twenty tons of fully refined sugar daily, and shall be when completed a well equipped factory of the latest design for the production of fully refined sugar, and upon such other conditions as said council may deem best.
- 2. That for such purpose the mayor of said town may borrow upon the credit of the corporation of said town the sum of \$40,000 and may issue therefor the debentures of the said corporation under the seal of the corporation signed by the mayor and the treasurer thereof and in sums of not less than \$100 each, the principal and interest of such debentures to be repayable within twenty years from the date of issue thereof, as hereinafter provided, at the Canadian Bank of Commerce in Dresden, in annual payments, so that the aggregate amount of principal and interest in each year shall equal as nearly as may be the amount payable for principal and interest in every other year of said term, such debentures to have attached to them coupons for the payment of interest annually at the rate of four per cent. per annum at the said bank.
- . 3. Such debentures shall be issued and bear date upon the day provided by any agreement which may have been or may hereafter be entered into respecting same by said council with such person or persons or body corporate or any of them.
- 4. A special rate upon all the rateable property in said town over and above all other rates and sufficient to discharge the said yearly payments of principal and interest as the same become due, namely, the sum of \$2,943.28 shall be annually levied and collected commencing from the date of issue of said debentures.
- 5. The purchaser or holder of any of the debentures aforesaid shall not be bound to see to the application of said bonus nor of any part thereof, nor to the performance of any of the conditions contained in this by-law or in any agreement that may be entered into thereunder but shall hold said debentures absolutely freed and discharged from such conditions.
- 6 The said council may also remit the taxes upon the said land and works for a period not greater than ten years from the completion thereof or such portion thereof as to them may seem best
- 7. This by-law shall not take effect until legalized and confirmed by the legislative assembly of the Province of Ontario.

- 8. The votes of the duly qualified electors of the said Town of Dresden, shall be taken on this by-law on Monday, the second day of September, A. D. 1901, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, for the north ward at the frame school house, George B. Rush returning officer; for the centre ward, at the council chamber in the fire hall, Benson Gillaspie, returning officer; and for the south ward, at the town hall, James B. Carscallen, returning officer.
- 9. On the thirty-first day of August A. D. 1901, at ten o'clock in the forenoon the mayor of said municipality shall attend at the said council chamber for the purpose of appointing two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law.
- 10. The clerk of said council shall at said council chamber, after the close of the polls on the said second day of September, A. D. 1901, sum up the number of votes given for and against the by-law.

#### SCHEDULE B.

Articles of agreement made and entered into this thirtieth day of December, A.D. one thousand nine hundred and one, between the Municipal Corporation of the Town of Dresden herein called 'the corporation," of the first part, and The Dresden Sugar Company, Limited, herein called "the company," of the second part.

Whereas the corporation is desirous of promoting and securing the establishment within said town, of a factory for the manufacture of sugar and similar products from sugar beets; and

Whereas said company is willing to erect and establish such a factory upon the conditions hereinafter contained,

Now therefore these presents witness and the parties hereto, for themselves, their successors and assigns, mutually covenant, promise and agree, the one with the other, as follows, that is to say:—

The company shall within two months after the confirmation by the proper authorities of the by-law hereinafter mentioned, purchase within the limits of the said Town of Dresden a site suitable for the establishment thereon of the buil lings and works hereinafter mentioned for an estate in fee simple, and shall erect upon said site buildings suitable for the purposes of said factory, and shall place in said building all necessary and up-to date machinery for the manufacture of sugar and similar products from sugar beets and capable of turning out at least twenty-five tons of the finished product daily.

Such plant and machinery shall be of the most approved and latest pattern and design, and such building plant and machinery shall cost not less than \$400,000 (four hundred thousand dollars), and the whole when completed shall make a modern, up-to-date and well-equipped sugar factory for the manufacture of standard sugar and other similar products, and shall be fully completed and realy for operation for the beet crop of 1902, and not later than the first day of November, 1902, unavoidable casualties and contingencies excepted or any other causes beyond the company's control.

Should there be a dispute as to the cost of said building plant and machinery, the same shall be determined by a referee, to be appointed by the judge of the County Court of the County of Kent.

The company shall properly maintain and operate and continually operate and repair and keep in good working order, and repair the said building plant and machinery for a term of ten years after the payment to them of the bonus hereinafter mentioned for such peri d of time, each year of such term as the supply of sugar beets to such company admits of, provided, however, that in case said company is hindered or delayed by casualties, combines, strikes and lockouts, or stress of weather, by which said company cannot successfully operate its said building plant and machinery as aforesaid, in which case, upon the happening of any of said causes or events, the said company shall be relieved from its operations while so hindered and delayed.

The office or place of business of the company shall be in the Town of Dresden and the business office of the company shall be located within the limits of the corporation.

Should the company make default in any of the conditions or agreements herein contained and by it to be performed, it shall repay to the corporation (as liquidated damages) the amount of the bonus hereinafter mentioned, namely forty thousand dollars, with interest at four per cent thereon, from the time of such default, which amount shall thereupon become a charge in favor of the said corporation upon the property and assets of the company.

The company shall, if so desired by the corporation, furnish to the corporation at least 100 tons of cinders annually during said term of ten years free of charge, provided there are sufficient accumulation of cinders from the business of said company each year to permit such company to furnish such quantity.

Upon the completion of the said building p'ant and machinery in complete working order and fully in operation and manufacturing a standard grade of sugar, in the quantity hereinbefore mentioned, the corporation shall pay to the company as a bonus forty thousand dollars (\$40,000) in legal currency.

The corporation shall remit to said company during said term of ten years all taxes upon said building plant and machinery in excess of the sum of \$20,000 annually.

The corporation shall during the first three years of said term assist in obtaining from the farmers in the neighborhood of the said town agreements for the required acreage for the growth of sugar beets.

The corporation shall grant to the company the free and exclusive use and possession of the following streets and highways or parts thereo' within the Town of Dresden, namely:—

- 1. That part of Metcalfe avenue lying between the southern limit of Lindsley street and the northern limit of Brown street;
- 2. That par! of Lindsley street from the westerly limit of West street to Metcalfe avenue aforesaid;
- 3. All streets or public ways lying between lots numbers one hundred and three and one hundred and ten on the north side of Metcalfe avenue aforesaid leading from said Metcalfe avenue to the River Sydenham, for such period as said company shall be engaged in its operations, and said corporation shall institute proper proceedings for the closing of said streets a d highways or parts thereof, and the granting to and vesting in said company of suc use and possession, subject, however, to any rights now possessed by the Erie and Huron Railway Company or its assigns, in consideration of which the said company agrees to grant to said corporation a right of way four rods wide leading to the River Sydenham from Metcalfe avenue between the aforesaid lots one hundred and three and one hundred and ten on the north side of Metcalfe avenue, but at such point between said lots as may hereafter be agreed upon.

This agreement shall not become binding upon the corporation until the by-law granting such bonus has been legalized and confirmed by an Act of

the Legis'ature of the Province of Ontario, which Act may be substantially similar to chapter 74 Ontario 1 Edw. VII., 1901.

In witness whereof the said corporation and said company have caused their corporate seals to be affixed and attested by sign tures of the proper officers.

Witness: WALTER H. CLAPP. (Sgd.) (Sgd. ASA RIBBLE, Corp. Seal of Dresden. Mayor. (Sad.) James Davidson, President. ARTHUR SMITH, (Sgd.) Treasurer. Dresden Sugar Co. Lt'd. Corp. Sl. (Sgd.) JNO. H. WALLH, Secretary.



5th Session, 9th Legislature, 2 Edward VII., 1902.

TAO. 97.

### -

An Act respecting the Town of Dresden

First Reading, 28th January, 1902.

(Reprinted as amended by the Private Bills Committee,)

Mr. LEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Collingwood and the Collingwood Ship Building Company, Limited.

W and the Collingwood Ship Company, Limited, have by their petition represented that by indenture hearing date the 7th day of September, A.D. 1889, the said municipal corporation did demise and lease to the Dry Dock and Wrecking Com-

pany of Collingwood, Limited, all that property comprising the dry dock proper being the production of Ste. Paul street, in the said Town of Collingwood, to hold for the term of twentyone years, upon the terms and conditions therein mentioned. That the Collingwood Ship Building Company, Limited, are the successors of the said Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation. That by agreement bearing date the 14th day of November, A.D. 1899, made with the consent of the ratepayers of the said municipality, the said municipal corporation agreed to grant a bonus of \$50,000, to the said ship building company, to establish a large ship building yard, equipped with all necessary plant and machinery for the building of steel ships, within the said town, upon the terms and conditions more particularly set forth in the said agreement. That it appears that at the time of the first mentioned agreement it was the intention of the parties thereto, that the said dry dock property, and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the full period of the term granted by the said indenture of lease, but inasmuch as it was only lawful for the said corporation to grant exemption from taxation for ten year periods only, a by-law was passed by the then municipal council exempting the said pro-

perty from municipal taxation for a period of ten years, and leaving it to succeeding councils to carry out the real agreement and intention of the parties. That since the time of the first named agreement the powers then possessed by municipal councils regarding exemption from taxation have been restricted so that the said municipal corporation cannot carry out the said agreement and understanding and grant the required exemption from taxation without the sanction of the legislature. That since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood, and provide the necessary facilities for repairing damaged vessels of the large

WHEREAS the Corporation of the Town of Collingwood Preamble.

class now in use, it will be imperatively necessary to entirely re-construct the present dry dock, and make it not only longer and wider, but also deeper, at an expense which will largely exceed the amount of the said bonus, and in order to make the present ship slip useful for the same purpose, further very large expenditures will be required, and for these purposes it will be necessary to very largely increase the capital stock of the said company. That in order to enable the said company to succeed in obtaining the said increase of capital and operating the said ship building industry to its full requirements and to carry out the real agreement and intention of the parties to the first named agreement regarding exemption from municipal taxation, the said municipa' corporation have by an agreement bearing oate the 30th day of August, A.D. 1901, a copy of which agreement is hereto attached as Schedule A to this Act, agreed to cancel the said two first mentioned agreements and to grant a new lease to the said company of the said dry dock, proper for a period of twenty one years, renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental, and to exempt the said dry dock and the said steel ship building establishment, with all builings, plant and machinery now used therewith or which may hereafter le used therewith from all municipal rates and taxes, except school taxes, during the currency of the said leases, and that for the purpose of school taxation only the value of the said property so used or hereafter to be used as aforesaid shall be annually placed on the assessment roll, at the sum of \$25,000, and pray that an act may be passed cancelling the two said agreements of the dates respectively of the 7th of September, 1889, and 14th of November, 1899, and confirming the said agreement of the 30th day of August, 1901, and confirming and legalizing a by-law of the said municipal corporation exempting the said dry dock property and the said ship building establishment, its plant and machinery from all municipal rates and taxes as aforesaid during the currency of the said leases as aforesaid. And whereas the said corporation have by petition set forth that the council of the said corporation did pass By-law No. 600 of the said day of corporation, being a by-law to loan Messrs Stewart and Cameron, the sum of \$8,000 for the establishment of a Grist Mill, within the said town and by-law No. 601 of the said corporation, being a by-law to lend J. J. Zoch, the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery, diamond settings and optical goods, which said two by-laws were duly submitted to the ratepayers of the said town and received the assent of more than two thirds of the whole number of such ratepayers, and that as respects the said by-laws all the provisions of The Municipal Act and amendments thereto as to voting on bonus by-laws, were duly complied with, save that owing to a mistake, the said by laws and notices relating thereto were not posted up in the said town although the same were duly published in newspapers as required by law,

and the said corporation has prayed that the said by-laws may be legalized and confirmed, and whereas it appears that there is no opposition to the granting of the said prayer; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows ;--

1. The agreement entered into between the municipal Agreement corporation of the Town of Collingwood and the Dry Dock and Dry Dock and Wrecking Company of Collingwood, Limited, bearing date and Wrecking the 7th day of September A.D. 1889, and the agreement enthe 7th day of September A.D. 1889, and the agreement en-celled. tered into between the municipal corporation of the Town of Collingwood and the Collingwood Ship Building Company, Limited, and one Alexander McDougall, bearing date the 14th day of November A.D. 1899, are rescinded and cancelled.

2. The agreement entered into between the municipal cor- Agreement poration of the Town of Collingwood and the Collingwood Ship building com-Building Company, Limited, bearing date the 30th day of pany con-August, A.D. 1991, which agreement is set out in Schedule firmed. A to this Act, is ratified and confirmed and is declared legal.

3. That it shall be lawful for the municipal corporation of Power to the Town of Collingwood to exempt from all municipal rates grant exempand taxes except school taxes the mid day dealers of the collingwood to exempt from taxand taxes, except school taxes, the said dry dock and the Col-ation to Ship lingwood Ship Building Establishment, with all the buildings, Limited. plant and machinery now used therewith or which may hereafter be used therewith during the currency of any leases granted by the said municipality to the said company, of the said dry dock property and for the purpose of school taxation only to place the value of the said property so used or which may hereafter be used during the currency of the said leases annually upon the assessment roll of the said municipality at the sum of \$25,000 and taxes only upon such assessment for school purposes only shall be annually collected upon the said property and By-law No. 580 of the said Town of Collingwood declaring the said property exempt, which by-law is set out in Schedule B to this act is hereby declared legal, valid and binding upon the said corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

4. By law No. 600 of the Town of Collingwood to loan By-laws 600 Messrs. Stewart and Cameron the sum of \$1,000 for the and 601 conestablishment of a grist mill within the said town, which by establishment of a grist mill within the said town, which bylaw is set out in Schedule C to this Act and By-law No. 601

of the said town to lend J. J. Zoch the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery, diamond settings and optical goods in the said town which by-law is set out in Schedule D to this Act, and the debentures issued or to be issued under the said by-laws or either of them are ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the rate-payers thereof.

#### SCHEDULE A.

This Agreement made in duplicate this Thirtieth day of August in the year of Our Lord one thousand nine hundred and one, between the Corporation of the Town of Collingwood of the first part and the Collingwood Ship Building Company, Limited, of the second part.

Whereas by indenture bearing date the 7th day of September, A.D. 1889, the said corporation did demise and lease to the Dry Dock and Wrecking Company of Collingwood, 1 imited, all that property comprising the dry dock, being the production of St. Paul street in the said town and also did assign the unexpired term in certain leases of land comprising the dry dock property, the greater part of which is now owned by the said company to hold for the term of twenty one years upon the terms and conditions therein mentioned.

And whereas the said parties hereto of the second part are the successors of the said Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation.

And whereas by agreement bearing date the 14th day of November, A.D. 1899, the said corporation did agree to grant a bonus of \$50,000 to the said company and one Alexander McDougall to establish a large ship building yard equipped with all necessary plant and machinery for the building of steel ships within the said town upon the terms and conditions more particularly set forth in the said agreement.

And whereas it appears that at the time of the said first mentioned agreement it was the intention of the parties thereto that the said dry dock property and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the ful period of the term granted by the said indenture of lease as appears by a letter signed by the mayor of the said municipal corporation bearing date the day of A.D. 1889, but inasmuch as it was only lawful for the said corporation to grant exemption for ten year periods only, a by-law was passed by the said corporation exempting the said property from municipal taxation for a period of ten years and leaving it to succeeding councils to carry out the real agreement and intention of the parties.

And whereas since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood and provide the necessary facilities for repairing damaged vessels of the large class now in use, it will be imperatively necessary to entirely reconstruct the present dry dock and make it not only longer and wider but also deeper at an expense which will exceed the said bonus and that in order to make the present ship slip useful for the same purpose further very large expenditures will be required.

And whereas in order to carry out the said improvements it will be necessary to very largely increase the capital stock of the said company. And whereas the said company have represented to the said corporation that in order to enable them to succeed in obtaining the said increase of

capital and operating said ship building industry to its full requirments it will be necessary to cancel the said agreements and replace them by this agreement to which the said corporation has agreed provided the

same is confirmed by the Ontario Legislature

Now this indenture witnesseth that in consideration of the premises and of the covenants hereafter contained of the said company and subject to the ratification thereof by the Ontario Legislature; the said parties hereto do hereby covenant to and with each other in manner following, that is to say:

1. That upon the completion of the dry-dock in accordance with the plans submitted to the corporation the said 'wo agreements shall cease and determine and all the covenants, provisoes and conditions thereof

shall be at the end.

- 2. That the said municipal corporation will demise and lease unto the said company the said dry-dock proper being the property of the said corporation for a period of twenty one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal
- 3. That the said municipal corporation will exempt the said dry-dock and the said steel ship-building estal lishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates, and taxes except school taxes during the currency of the said lease and that for the purpose of school taxation only the value of the said property so used or hereafter to be used as aforesaid shall be placed on the assessment roll at the sum of twenty-five thousand dollars including the year 1901.
- 4. That the said company shall have permission to use the ship-slip at the foot of Hurontario street for the purpose of launching vessels or may convert the same into a dry-dock and upon such conversion the said municipal council will grant a lease thereof to the said campany for a like period and upon the same terms and conditions as the said lease of the dry-dock proper.
- 5. That the said company agree that they will carry on and operate the said dry-dock and steel shipbuilding industry in a proper manuer during the currency of the said lease or any renewals thereof for the building and repairing of all kinds of steel and other vessels.
- 6. That the said company shall not until after the expiration of thirty years from the 14th day of November, 1899, remove the plant and machinery now used in the operation of the said ship yard out of the Town of Collingwood without the consent of the said municipal corporation.

7. It is further agreed that the costs and charges of and incidental to the obtaining the sunction of the legislative assembly to this agreement and the necessary by law and shall be borne by the said company.

This agreement is conditional upon the same being sanctioned by the legislative assembly of the Province of Ontario

In witness whereof the parties hereto have hereunto affixed their corporate seals the day and year first above written.

[L. S]

(Sgd)I. C Silver. [L.S.] Mayor. (Sgd) J. H. Duncan, Clerk. John J. Long.

#### SCHEDULE B.

By-law No. 580 of the Municipality of the Town of Collingwood.

Whereas by an agreement bearing date the thirtieth day of August, in the year of our Lord One Thousand Nine Hundred and One, and made between the Corporation of the Town of Collingwood, of the first part and The Collingwood Ship Building Company, Limited, of the second part.

It was among other things agreed that the said municipal corporation would demise and lease unto the said Collingwood Ship Building Company, Limted, all the dry-dock proper, being the property of the said corporation, for a period of twenty-one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental; and whereas it was also agreed in and by the said agreement that the said municipal corporation would exempt the said dry-dock and the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes, except school taxes, during the currency of the said lease, and that for the purpose of school taxation only, the value of the said property so used or hereafter to be used, as aforesaid, should be placed on the assessment roll at the sum of \$25,000, including the year 1901; and whereas it is necessary to pass a by-law to carry out that portion of the agreement regarding the exemption from taxation, and to ratify the said agreement as a whole, be it therefore enacted by the municipal council of the corporation of the Town of Collingwood, as follows:—

- 1. That the said agreement bearing date the thirthieth day of August, A.D. 1901, between this corporation and the Collingwood Ship Building Company, Limited, be, and the same is hereby ratified and confirmed in all its terms.
- 2. That the dry-dock, situated at the foot of Ste. Paul Street, in the Town of Collingwood, being the property of the said town, and the steel ship building industry established by the Collingwood Ship Building Company, Limited, in the Town of Collingwood with all buildings, plant and machinery now used therewith, or which may hereafter be used therewith, be, and the same are hereby declared, exempt from all municipal rates and taxes, except school rates and local improvement rates, during the currency of the lease from this corporation to the Collingwood Ship Building Company, Limited.
- 3. That for the purpose of school taxation only the value of the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter, during the currency of the said lease be used therewith shall be annually placed on the assessment roll at the sum of \$25,000, and school taxation only thereby levied and collected upon the said property on the said assessment of \$25,000.
- 4. That this by-law shall come into force and have effect from and after the passing thereof.

Passed in open council this A.D. 1901,

day of

#### SCHEDULE C.

#### By-LAW No. 600.

Of the Town of Collingwood, to raise by way of debentures the sum of nine thousand dollars to grant by way of loan to George Alexander Stewart and George Ross Cameron, of the Town of Strathroy, Millers, the sum of eight thousand dollars in aid of a grist mill, to be erected by them within the said town and to provide a free site therefor.

Whereas George Alexander Stewart and George Ross Cameron, both of the Town of Strathroy, millers, have proposed to erect and operate within the Town of Collingwood, a flour mill, to be built of brick, stone, or granolithic blocks with a slate or iron roof, and equipped with all modern machinery, capable of turning out not less than one hundred and twenty-five barrels of flour per day of twenty-four hours provided that the said nunicipality would grant them a free suitable site therefor, and would loan them the sum of eight thousand dollars on the said mill, repayable with-

out interest in twenty equal annual instalments which the said municipality have agreed to do upon the terms and conditions more fully set forth in an Agreement bearing date of the tenth day of December, A.D. 1901, and made by and between the said parties.

And whereas, it is necessary to raise by way of debentures, the sum of nine thousand dollars to purchase the said site and to loan the said sum

of \$8,000 to the said Stewart and Cameron.

And whereas, the amount of the whole rateable property of the municipality of the Town of Collingwood according to the last revised assessment roll, amounts to the sum of \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to the sum of \$318,445.04, and no principal or interest is

in arrears.

And whereas, it will require the sum of \$662.22 to be raised annually for a period of twenty years to pay the interest of and discharge the said debt as the same becomes due and payable according to the schedule to this by-law.

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows:—

1. That the Mayor of the said town is hereby authorized and requi ed to issue debentures of the said town to the amount of \$9,000 and such debentures shall be signed by the Mayor and Treasurer of the said municipality and sealed with the corporate seal, and there shall be twenty such detentures each for the sum of \$662.22 payable the first day of December, A.D. 1903 and on each of the next succeeding nineteen years, it being estimated that twenty such debentures are equal to \$9,000 of principal money and interest from the first day of December, A.D. 1902, at the rate of four per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

YEAR.	INTEREST	PRINCIPAL	ANNUAL PAYMENT
1	\$360.00	\$302.22	\$662.22
2	347.90	314.32	662.22
3	335 33	326.89	662.22
4	322.25	339.97	662.22
5.	308.65	353.57	662.22
6	294.51	307.71	662.22
7	279.81	382.41	662.22
8	264.51	397.71	662,22
9	248.60	413.62	662.22
10	232.05	430.17	662.22
11 -	214.84	447.38	662.22
12	196.95	465.27	662.22
13	178 34	483.88	662.22
14	158.98	503.24	662.22
15	138.86	523.36	662.22
16	117.91	544 31	662.22
17	96.14	566.08	662.22
18	73.50	584.72	662.22
19	49 95	612.27	662.22
20	25.47	636.75	66 4, 22

- 2. The proceeds of the said debentures shall be applied in the manner following:—The sum of \$8,000 as a loan to the said Stewart and Cameron under the said agreement. The sum of \$1,000 for purchasing a site for the said grist mill, and other expenses.
- 3. To provide for the payment of the said sum of \$9 000 and interest thereon as aforesaid, the sum of \$662 2: shall be levied and raised annually for the period of twenty years, commencing with the year 1903, by special rate sufficient therefor on all the rateable property in the said municipality.
- 4. The said debentures shall be payable at the Bank of Commerce, Collingwood.

- 5. That this by-law shall come into force from and after the passing thereof.
- 6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by-law at the following time and places and by the undermentioned deputy returning officers, that is to say:—On Monday, the sixth day of January, A.D. 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers:

  In polling sub-division No. 1, first ward, the town hall, Hurontario street, Chas. Macdonnell, deputy returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25, east Hurontario street, J. W. Archer, deputy returning officer.

In polling sub-division No. 3, second ward, Mrs. Hill's residence, lot 8, east Ste. Marie street, W. C. Millar, deputy returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13,

east Beech street, M. J. Pomphrey, deputy returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howards shoe shop

on the corner of Hurontario and Third streets, Patrick Howard, deputy returning officer In polling sub-division No 6, fifth ward, Thomas Gillson's house, lot

42, West Pine street, Thomas Gillson, deputy returning officer.

- 7. That at ten o'clock in the forenoon of Friday the 3rd day of January, A.D. 1902, at the town hall, Collingwood, the persons to attend at the various polling places on behalf of the persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by The Municipal
- 8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the result.

#### SCHEDULE D.

#### By-Law No. 601.

Of the corporation of the Town of Collingwood for the purpose of granting by way of loan to John Joseph Zock, of the City of Toronto, Manufacturer, the sum of twenty thousand dollars towards the establishment of an industry within the said town for the manufacture of jewellery, diamond settings, and optical goods, to purchase a site for the said industry and to issue debentures for the sum of twenty-one thousand dollars for these purposes.

Whereas, the said John Joseph Zock has proposed to establish within the Town of Collingwood, a large industry for the manufacture of jewellery, diamond settings, and optical goods, employing at least one hundred hands in its operation, provided the said corporation would provide a suitable site and loan to him for ten years without interest the sum of twenty thousand dollars, secured by mortgage upon the said industry and repayable in annual instalments.

And whereas, he said corporation have agreed to make the said loan and to furnish the said site upon the terms and conditions more fully set forth in an agreement bearing the date of the eleventh day of December, A.D., 1901, entered into between the said John Joseph Zock and the said corporation, a copy of which agreement is set out in Schedule B to this

by-law.

And whereas, it is necessary in order to make the said loan and provide the said site, to borrow the sum of twenty-one thousand dollars and to issue debentures of the said municipality therefor

And whereas, the whole rateable property of the Town of Collingwood, according to the las' revised assessment roll, amounts to \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to \$318.445.04, and no principal or interest is in arrears.

And whereas, it will require the sum of \$2,653.93 to be raised annually for a period of ten years to pay the interest of and discharge the said debt as the same becomes due and payable,

Therefore the municipal council of the corporation of the Town of Col-

lingwood enacts as follows :-

1. That the Mayor of the said town be hereby authorized and required to issue debentures of the said town to the amount of \$21,000, and such debentures shall be signed by the mayor and treasurer of the Town of Collingwood and sealed with the corporate seal, and there shall be ten such debentures each, for the sum of \$2,653.93 payable the first day of December, A.D. 1903, and on each of the next succeeding nine years thereafter, it being estimated that ten such debentures are equal to \$21,000 of principal money and interest at the rate of 4½ per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:

Year.	Interest.	Principal.	Annual Payment.
1	\$945 00	\$1,708 93	\$2,653 93
2	868 09	1,785 84	2,653 93
3	787 73	1,866 20	2,653 93
4	703 75	1,950 18	2,653 93
5	615 99	2,037 94	2,653 93
6	523 28	2,129 65	2,653 93
7	428 44	2,225 49	2,653 93
8	328 23	2,325 70	2,653 93
9	223 65	2,430 28	2,653 93
10	114 28	2,539 65	2,653 93

\$21,000 00

2. The proceeds of the said debentures shall be applied in manner following, that is to say :-

The sum of \$20,000 to be loaned to the said John Joseph Zock.

The sum of \$1,000 to purchase a site and other expenses in connection with this by-law.

- 3. To provide for the payment of the said sum of \$21,000 and interest thereon, as aforesaid, the sum of \$2,653.93 shall be levied and raised annually for a period of ten years, commencing with the year 1903 by special rate sufficient therefor on all the rateable property of the Town of Collingwood.
- 4. The said debentures shall be payable at the Canadian Bank of Commerce, Collingwood.
- 5. That this by-law shall come into force and effect from and after the passing thereof.
- 6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by-law at the fellowing time and places and by the undermentioned deputy-returning officers, that is to say, on Monday, the sixth day of January, A.D., 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers.

In polling sub-division No. 1, first ward, the Town Hall, Hurontario

street, Charles Macdonell, deputy-returning officer.
In polling sub-division No. 2, second ward Ditson's old store, lot 25 east Hurontario street, J. W. Archer, deputy-returning officer.

2 - 33

In polling sub-division No. 3, second ward, Miss Hill's residence, lot No. 8, east Ste. Marie street, W. C. Millar, deputy-returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13,

East Beech street, M. J. Pomphrey, deputy-returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howard's shoe shop, on the corner of Hurontario and Third streets, Patrick Howard, deputyreturning officer.

In polling sub-division No. 6, fifth ward, Thomas Gillson's house, lot

42, west Pine street, Thomas Gillson, deputy-returning officer.

- 7. That at ten o'clock in the forenoon of Friday, the 3rd day of January, A.D., 1902, at the Town Hall, Collingwood, the persons to attend the various polling places on behalf of persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon of the 7th day of January, A.D., 1902 at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by The Municipal Act.
- 8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D., 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the results.

Signed, sealed and delivered in the presence of John Birnie,

J. J. Zock,

I. SILVER, J. H. DUNCAN, Clerk. Mayor.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Town of Collingwood and The Collingwood Ship Building Company, Limited.

First Reading,

190

(Private Bill)

Mr. DUFF.

TORONTO

PRINTED BY L. K. CAMERON, Printer to the King's Most Excellent Majesty. An Act respecting the Town of Collingwood and the Collingwood hip Building Company, Limited.

THEREAS the Corporation of the Town of Collingwood Preamble. and The Collingwood Ship Company, Limited, have by petition represented that by indenture bearing date the 7th day of September, A.D. 1889, the said municipal corporation did demise and lease to The Ory Dock and Wrecking Company of Collingwood, Limited, all that property comprising the dry dock property, being the production of St. Paul street, in the said Town of Collingwood, to hold for the term of twentyone years, upon the terms and conditions therein mentioned; that The Collingwood Ship Building Company, Limited, are the successors of The Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation; that by agreement bearing date the 14th day of November, A.D. 1899, made with the consent of the ratepayers of the said municipality, the said municipal corporation agreed to grant a bonus of \$50,000, to the said ship building company, to establish a large ship building yard, equipped with all necessary plant and machinery for the building of steel ships, within the said town, upon the terms and conditions more particularly set forth in the said agreement; that it appears that at the time of the first mentioned agreement it was the intention of the parties thereto, that the said dry dock property, and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the full period of the term granted by the said indenture of lease, but inasmuch as it was only lawful for the said corporation to grant exemption from taxation for ten year periods, a by-law was passed by the then municipal council exempting the said property from municipal taxation for a period of ten years, and leaving it to succeeding councils to carry out the real agreement and intention of the parties; that since the time of the first named agreement the powers then posses ed by municipal councils regarding exemption from taxation have been restricted so that the aid municipal corporation cannot carry out the said agreement and understanding and grant the required exemption from taxation without the sanction of the legislature; that since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood, and provide the necessary facilities for repairing damaged vessels of the

class now in use, it will be imperatively necessary to entirely re-construct the present dry dock, and make it not only longer and wider, but also deeper, at an expense which will largely exceed the amount of the said bonus, and in order to make the present ship slip useful for the said purpose, further very large expenditures will be required, and for these purposes it will be necessary to very largely increase the capital stock of the said company; that in order to enable the said company to obtain the said increase of capital and operate the said ship building industry to its full requirements and to carry out the real agreement and intention of the parties to the first named agreement regarding exemption from municipal taxation, the said municipal corporation has by an agreement bearing cate the 30th day of August, A.D. 1901, a copy of which agreement is printed as Schedule A to this Act, agreed to cancel the said two first mentioned agreements and to grant a new lease to the said company of the said dry dock property for a period of twenty-one years, renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental, and to exempt the said dry dock and the said steel ship building establishment, with all buildings, plant and machinery now used there with or which may hereafter be used therewith from all municipal rates and taxes, except school taxes, during the currency of the said lease, and that for the purpose of school taxation only, the value of the said property so used or hereafter to be used as aforesaid shall be annually placed on the assessment roll, at the sum of \$25,000; and whereas the said municipal corporation and the said company have by their said petition prayed that an Act may be passed confirming the said agreement of the 30th day of August, 1901, and confirming and legalizing a by-law of the said municipal corporation exempting the said dry dock property and the said ship building establishment, its plant and machinery from all municipal rates and taxes as aforesaid during the currency of the said leases as aforesaid

And whereas the said corporation has by petition further set forth that the council of the said corporation did on the 10th day of February, 1902, pass By-law No. 600 of the said corporation, being a by-law to loan Messrs Stewart and Cameron, the sum of \$8,000 for the establishment of a grist mill within the said town, and by-law No. 601 of the said corporation, being a by-law to lend J. J. Zoch, the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery, diamond settings and optical goods, which said two by-laws were duly submitted to the ratepayers of the said town and received the assent of more than two thirds of the whole number of such ratepayers, and that as respects the said by-laws all the provisions of The Municipal Act and amendments thereto as to voting on bonus by-laws, were duly complied with, save that owing to a mistake, the said by laws and notices relating thereto were not posted up in the said town although the same were duly published in newspapers as required by law.

and whereas the said corporation has prayed that the said bylaws may be legalized and confirmed; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows ;-

1. The agreement entered into between the Municipal Agreement Corporation of The Town of Collingwood and The Dry Dock and Dry Dock and Wrecking Company of Collingwood, Limited, bearing date and Wrecking the 7th day of September A.D. 1889, and the agreement enthe 7th day of September A.D. 1889, and the agreement encelled. tered into between the Municipal Corporation of the Town of Collingwood and The Collingwood Ship Building Company, Limited, and one Alexander McDougall, bearing date the 14th day of November A.D. 1899, are rescinded and cancelled.

2. The agreement entered into between the Municipal Cor-Agreement poration of the Town of Collingwood and The Collingwood Ship building com-Building Company, Limited, bearing date the 30th day of pany con-August, A.D. 1901, which agreement is set out in Schedule firmed. A to this Act, is ratified and confirmed and is declared legal.

3. It shall be lawful for the Municipal Corporation of Power to the Town of Collingwood to exempt from all municipal rates grant exempand taxes except school taxes. The Collingwood Clic Della and taxes, except school taxes, The Collingwood Ship Building ation to Ship Company Limited and the said dry dock with all the buildings. Building Co. Company, Limited, and the said dry dock, with all the buildings, Limited. plant and machinery now used therewith or which may hereafter be used therewith during the currency of any lease granted by the said municipality to the said company, of the said dry dock property, and for the purpose of school taxation only to place the value of the said property so used or which may hereafter be used during the currency of the said lease annually upon the assessment roll of the said municipality at the sum of \$25,000, and taxes upon such assessment for school purposes only shall be annually collected upon the said property, and By-law No. 580 of the Town of Collingwood declaring the said property exempt, which by-law is set out in Schedule B to this act is hereby declared legal, valid and binding upon the said corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

4. By-law No. 600 of the Town of Collingwood to loan By-laws 600 Messrs. Stewart and Cameron the sum of \$8,000 for the and 601 confirmed. establishment of a grist mill within the said town, which bylaw is set out in Schedule C to this Act, and By-law No. 601 of the said town to lend J. J. Zoch the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery,

diamond settings and optical goods in the said town, which by-law is set out in Schedule D to this Act, and the debentures issued or to be issued under the said by-laws or either of them are ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

#### SCHEDULE A.

This Agreement made in duplicate this Thirtieth day of August in the year of Our Lord one thousand nine hundred and one, between the Corporation of the Town of Colling wood of the first part and the Collingwood Ship Building Company, Limited, of the second part.

Whereas by indenture bearing date the 7th day of September, A.D. 1889, the said corporation did demise and lease to the Dry Dock and Wrecking Company of Collingwood, Limited, all that property comprising the dry dock, being the production of St. Paul street in the said town and also did assign the unexpired term in certain leases of land comprising the dry dock property, the greater part of which is now owned by the said company to hold for the term of twenty one years upon the terms and conditions therein mentioned.

And whereas the said parties hereto of the second part are the successors of the said Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation.

And whereas by agreement bearing date the 14th day of November, A.D. 1899, the said corporation did agree to grant a bonus of \$50,000 to the said company and one Alexander McDougall to establish a large ship building yard equipped with all necessary plant and machinery for the building of steel ships within the said town upon the terms and conditions more particularly set forth in the said agreement.

And whereas it appears that at the time of the said first mentioned agreement it was the intention of the parties thereto that the said dry dock property and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the full period of the term granted by the said indenture of lease as appears by a letter signed by the mayor of the said municipal corporation bearing date the day of A.D. 1889, but inasmuch as it was only lawful for the said corporation to grant exemption for ten year periods only, a by-law was passed by the said corporation exempting the said property from municipal taxation for a period of ten years and leaving it to succeeding councils to carry out the real agreement and intention of the parties.

And whereas since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood and provide the necessary facilities for repairing damaged vessels of the large class now in use, it will be imperatively necessary to entirely reconstruct the present dry dock and make it not only longer and wider but also deeper at an expense which will exceed the said bonus and that in order to make the present ship slip useful for the same purpose further very large expenditures will be required.

And whereas in order to carry out the said improvements it will be necessary to very largely increase the capital stock of the said company. And whereas the said company have represented to the said corporation that in order to enable them to succeed in obtaining the said increase of

capital and operating said ship building industry to its full requirments it will be necessary to cancel the said agreements and replace them by this agreement to which the said corporation has agreed provided the same is confirmed by the Ontario L gislature

Now this indenture witnesseth that in consideration of the premises and of the covenants hereafter contained of the said company and subject to the ratification thereof by the Ontario Legislature; the said parties hereto do hereby covenant to and with each other in manner following, that is to say:

1. That upon the completion of the dry-dock in accordance with the plans submitted to the corporation the said two agreements shall cease and determine and all the covenants, provisoes and conditions thereof

- shall be at the end.

  2. That the said municipal corporation will demise and lease unto the said company the said dry-dock proper being the property of the said corporation for a period of twenty one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal
- 3. That the said municipal corporation will exempt the said dry-dock and the said steel ship-building establishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes except school taxes during the currency of the said lease and that for the purpose of school taxation only the value of the said property so used or hereafter to be used as aforesaid shall be placed on the assessment roll at the sum of twenty-five thousand dollars including the year 1901.
- 4. That the said company shall have permission to use the ship-slip at the foot of Hurontario street for the purpose of launching vessels or may convert the same into a dry dock and upon such conversion the said municipal council will grant a lease thereof to the said campany for a like period and upon the same terms and conditions as the said lease of the dry-dock proper.
- 5. That the said company agree that they will carry on and operate the said dry-dock and steel shipbuilding industry in a proper manner during the currency of the said lease or any renewals thereof for the building and repairing of all kinds of steel and other vessels.
- 6. That the said company shall not until after the expiration of thirty years from the 14th day of November, 1899, remove the plant and machinery now used in the operation of the said ship yard out of the Town of Collingwood without the consent of the said municipal corporation.

7. It is further agreed that the costs and charges of and incidental to the obtaining the sanction of the legislative assembly to this agreement and the necessary by law and shall be borne by the said company.

This agreement is conditional upon the same being sanctioned by the

legislative assembly of the Province of Ontario

In witness whereof the parties hereto have hereunto affixed their corporate seals the day and year first above written.

[L. S]

(Sgd)I. C Silver. [L.S.] Mayor. (Sgd) J. H. Duncan, Clerk. John J. Long.

#### SCHEDULE B.

By-law No. 580 of the Municipality of the Town of Collingwood.

Whereas by an agreement bearing date the thirtieth day of August, in the year of our Lord One Thousand Nine Hundred and One, and made between the Corporation of the Town of Collingwood, of the first part and The Collingwood Ship Building Company, Limited, of the second part.

It was among other things agreed that the said municipal corporation would demise and lease unto the said Collingwood Ship Building Company, Limted, all the dry-dock proper, being the property of the said corporation, for a period of twenty-one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental; and whereas it was also agreed in and by the said agreement that the said municipal corporation would exempt the said dry-dock and the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes, except school taxes, during the currency of the said lease, and that for the purpose of school taxation only, the value of the said property so used or hereafter to be used, as aforesaid, should be placed on the assessment roll at the sum of \$25,000, including the year 1901; and whereas it is necessary to pass a by-law to carry out that portion of the agreement regarding the exemption from taxation, and to ratify the said agreement as a whole, be it therefore enacted by the municipal council of the corporation of the Town of Collingwood, as follows;—

- 1. That the said agreement bearing date the thirthieth day of August, A.D. 1901, between this corporation and the Collingwood Ship Building Company, Limited, be, and the same is hereby ratified and confirmed in all its terms.
- 2. That the dry-dock, which is to be enlarged and improved by the said company in accordance with the plan deposited with the Corporation marked as Exhibit A to this by-law situated at the foot of Ste. Paul Street, in the Town of Collingwood, being the property of the said town, and the steel ship building industry established by the Collingwood Ship Building Company, Limited, in the Town of Collingwood with all buildings, plant and machinery now used therewith, or which may hereafter be used therewith, be, and the same are hereby declared, exempt from all municipal rates and taxes, except school rates and local improvement rates, during the currer cy of the lease from this corporation to the Collingwood Ship Building Company, Limited, but the said exemption does not apply to any renewal of the said lease.
- 3. That for the purpose of school taxation only the value of the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter, during the currency of the said lease, be used therewith shall be annually placed on the assessment roll at the sum of \$25,000, and school taxation only be levied and collected upon the said property on the said assessment of \$25,000.
- 4. That this by-law shall come into force and have effect from and after the passing thereof and ratification by the Ontario Legislature. Passed in open council t' is seventeenth day of February, A.D. 1909.

# SCHEDULE C.

#### BY-LAW No. 600.

Of the Town of Collingwood, to raise by way of debentures the sum of nine thousand dollars to grant by way of loan to George Alexander Stewart and George Ross Cameron, of the Town of Strathroy, Millers, the sum of eight thousand dollars in aid of a grist mill, to be erected by them within the said town and to provide a free site therefor.

Whereas George Alexander Stewart and George Ross Cameron, both of the Town of Strathroy, millers, have proposed to erect and operate within the Town of Collingwood, a flour mill, to be built of brick, stone, or granolithic blocks with a slate or iron roof, and equipped with all modern machinery, capable of turning out not less than one hundred and twenty-five barrels of flour per day of twenty-four hours provided that the said municipality would grant them a free and suitable site therefor, and would loan them the sum of eight thousand dollars on the security of the said

mill, repayable without interest in twenty equal annual instalments which the said municipality have agreed to do upon the terms and conditions more fully set forth in an Agreement bearing date the tenth day of December, A.D. 1901, and made by and between the said parties.

And whereas, it is necessary to raise by way of debentures, the sum of nine thousand dollars to purchase the said site and to loan the said sum

of \$8,000 to the said Stewart and Cameron.

And whereas, the amount of the whole rateable property of the municipality of the Town of Collingwood according to the last revised assessment roll, amounts to the sum of \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to the sum of \$328,064.16 and no principal or interest is

in arrears.

And whereas, it will require the sum of \$662.22 to be raised annually for a period of twenty years to pay the interest of and discharge the said debt as the same becomes due and payable according to the schedule to this by-law.

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows:—

1. That the Mayor of the said town is hereby authorized and requi ed to issue debentures of the said town to the amount of \$9,000 and such debentures shall be signed by the Mayor and "reasurer of the said municipality and sealed with the corporate seal, and there shall be twenty such debentures each for the sum of \$662.22 payable the first day of December, A.D. 1903 and on each of the next succeeding nineteen years, it being estimated that twenty such debentures are equal to \$9,000 of principal money and interest from the first day of December, A.D. 1902, at the rate of four per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

		.,	
YEAR.	INTEREST	PRINCIPAL	ANNUAL PAYMENT
1	\$360.00	\$302.22	\$662.22
2	347.90	314.32	662.22
3	335 33	326.89	662.22
4	322.25	339.97	662.22
5	308.65	353.57	662.22
6	294.51	367.71	662.22
7	279.81	382.41	662.22
8	264.51	367.71	662.22
9	248.60	413.62	662.22
10	232.05	430.17	662.22
11	214.84	447.38	662.22
12	196.95	465.27	662.22
13	178.34	483.88	662.22
14	158.98	503.24	662.22
15	138.86	523.36	662.22
16	117.91	544 31	662.22
17	96.14	566 08	662.22
18	73.50	58₹.72	662.22
19	49.95	612.27	662.22
20	25.47	636.75	66 3.22

- 2. The proceeds of the said debentures shall be applied in the manner following:—The sum of \$8,000 as a loan to the said Stewart and Cameron under the said agreement. The sum of \$1,000 for purchasing a site for the said grist mill, and other expenses.
- 3. To provide for the payment of the said sum of \$9 000 and interest thereon as aforesaid, the sum of \$662 22 shall be levied and raised annually for the period of twenty years, commencing with the year 1903, by special rate sufficient therefor on all the rateable property in the said municipality.
- 4. The said debentures shall be payable at the Bank of Commerce, Collingwood.

5. That this by-law shall come into force from and after the passing thereof.

6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by-law at the following time and places and by the undermentioned deputy returning officers, that is to say :-- On Monday, the sixth day of January, A.D. 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers:

In polling sub-division No. 1, first ward, the town hall, Hurontario street, Chas. Macdonnell, deputy returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25, east Hurontario street, J. W. Archer, deputy returning officer.

In polling sub-division No. 3, second ward, Mrs. Hill's residence, lot 8, east Ste. Marie street, W. C. Millar, deputy returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13, east Beech street, M. J. Pomphrey, deputy returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howards shoe shop on the corner of Hurontario and Third streets, Patrick Howard, deputy

on the corner of Hurontario and Third streets, Patrick Howard, deputy returning officer

In polling sub-division No 6, fifth ward, Thomas Gillson's house, lot 42, West Pine street, Thomas Gillson, deputy returning officer.

. That at ten o'clock in the forenoon of Friday the 3rd day of January, A.D. 1902, at the town hall, Collingwood, the persons to attend at the various polling places on behalf of the persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by The Municipal Act.

8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the result.

Passed in open council this 10th day of February, 1902.

(Sgd.) J. H. DUNCAN,

Clerk.

[Seal.]

(Sgd.) W. A. Hogg, Mayor.

# SCHEDULE D.

# By-Law No. 601.

Of the corporation of the Town of Collingwood for the purpose of granting by way of loan to John Joseph Zock, of the City of Toronto, Manufacturer, the sum of twenty thousand dollars towards the establishment of an industry within the said town for the manufacture of jewellery, diamond settings, and optical goods, to purchase a site for the said industry and to issue debentures for the sum of twenty-one thousand dollars for these purposes.

Whereas, the said John Joseph Zock has proposed to establish within the Town of Collingwood, a large industry for the manufacture of jewellery, diamond settings, and optical goods, employing at least one hundred hands in its operation, provided the said corporation would provide a suitable site and loan to him for ten years without interest the sum of twenty thousand dollars, secured by mortgage upon the said industry and repayable in annual instalments.

And whereas, the said corporation have agreed to make the said loan and to furnish the said site upon the terms and conditions more fully set forth in an agreement bearing the date of the eleventh day of December, A.D., 1901, entered into between the said John Joseph Zock and the said corporation, a copy of which agreement is set out in Schedule B to this by-law,

And whereas, it is necessary in order to make the said loan and provide the said site, to borrow the sum of twenty-one thousand dollars and to issue debentures of the said municipality therefor

And whereas, the whole rateable property of the Town of Collingwood, according to the last revised assessment roll, amounts to \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to \$328,064.16, and no principal or interest is in arrears.

And whereas, it will require the sum of \$2,653.93 to be raised annually for a period of ten years to pay the interest of and discharge the said debt as the same becomes due and payable.

Therefore the municipal council of the corporation of the Town of Col-

lingwood enacts as follows :-

1. That the Mayor of the said town be hereby authorized and required to issue debentures of the said town to the amount of \$21,000, and such debentures shall be signed by the mayor and treasurer of the Town of Collingwood and sealed with the corporate seal, and there shall be ten such debentures each, for the sum of \$2,653.93 payable the first day of December, A.D. 1903, and on each of the next succeeding nine years thereafter, it being estimated that ten such debentures are equal to \$21,000 of principal money and interest at the rate of 4½ per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows :-

Year.	Interest.	Principal.	Annual Payment
1	\$945 00	\$1,708 93	\$2,653 93
2	868 09	1,785 84	2,653 93
2 3	787 73	1,866 20	2,653 93
4	703 75	1,950 18	2,653 93
5	615 99	2,037 94	2,653 93
6	523 28	2,129 65	2,653 93
7	428 44	2,225 49	2,653 93
8	328 23	2,325 70	2,653 93
9	223 65	2,430 28	2,653 93
10	114 28	2,539 65	2,653 93
		\$21,000 00	

2. The proceeds of the said debentures shall be applied in manner following, that is to say :-

The sum of \$20,000 to be loaned to the said John Joseph Zock.

The sum of \$1,000 to purchase a site and other expenses in connection with this by-law.

- 3. To provide for the payment of the said sum of \$21,000 and interest thereon, as aforesaid, the sum of \$2,653.93 shall be levied and raised annually for a period of ten years, commencing with the year 1903 by special rate sufficient therefor on all the rateable property of the Town of
- 4. The said debentures shall be payable at the Canadian Bank of Commerce, Collingwood.
- 5. That this by-law shall come into force and have effect from and after the passing thereof.
- 6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by law at the the fellowing time and places and by the undermentioned deputy-returning officers, that is to say, on Monday, the sixth day of January, A.D., 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers.

In polling sub-division No. 1, first ward, the Town Hall, Hurontario

street, Charles Macdonell, deputy-returning officer.
In polling sub-division No. 2, second ward Ditson's old store, lot 25 east Hurontario street, J. W. Archer, deputy-returning officer.

2-33

In polling sub-division No. 3, second ward, Miss Hill's residence, lot No. 8. east Ste. Marie street, W. C. Millar, deputy-returning officer.
In polling sub-division No. 4, third ward, James' pump factory, lot 13, East Beech street, M. J. Pomphrey, deputy-returning officer.
In polling sub-division No. 5, fourth ward, Patrick Howard's shoe shop,

on the corner of Hurontario and Third streets, Patrick Howard, deputy-

In polling sub-division No. 6, fifth ward, Thomas Gillson's house, lot

42, west Pine street, Thomas Gillson, deputy-returning officer.

- 7. That at ten o'clock in the forenoon of Friday, the 3rd day of January, A.D., 1902, at the Town Hall, Collingwood, the persons to attend the various polling places on behalf of persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon of the 7th day of January, A.D., 1902 at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by The Municipal
- 8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D., 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the results.

Passed in open council this tenth day of February, 1902.

J. H. DUNCAN, Clerk. W. A. Hogg,

[L.S]

Mayor.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL

An Act respecting the Town of Collingwood and The Collingwood Ship Building Company, Limited.

First Reading, 23rd January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. DUFF.

TORONTO:

Printer to the King's Most Excellent Majesty.

An Act respecting the Hamilton, Ancaster and Brantford Railway Company.

WHEREAS the Hamilton, Ancaster and Brantford Railway Preamble.

Company, hereinafter called "the company," has by petition set forth that the said company has been incorporated by Letters Patent under the Great Seal of the Province of 5 Ontario bearing date the 5th day of November, 1896, and that its capital has been increased and its rights extended by an Act respecting the same, being chapter 96 of 62 Victoria, and by such petition has prayed that an Act may be passed extending the time for the building of the company's line of 10 railway and branch railway, the building of same in sections and amending the provisions of the company's charter and amending Act and for the other purposes hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

15 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The company is authorized and empowered to survey, Location of lay out, construct, make, complete and operate its line of rail-line.

20 way within the limits of the City of Hamilton and within the limits of the Townships of Barton and Ancaster and within the limits of the Village of Ancaster, all in the County of Wentworth, and within the limits of the Township of Brantford, in the County of Brant, and within the limits of the City

25 of Brantford in said county passing through or near the unincorporated Villages of Bamberger's Junction, Duff's Corners, Alberton, Langford, Echo Place and Cainsville and through or near Mohawk Park, and its branch line of railway from some point on the main line of said railway at or near the Village

30 of Aneaster to the locality known as Sulphur Springs, in the said Township of Aneaster, and the railway or any parts thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the

35 restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the council of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agree-

ments with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act* and any Act or Acts amending the same.

Construction of line by sections.

2. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, 10 and to deposit the same as required by the clauses of The Railway Act of Ontario and the amendments thereto with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, and of such length as the company may from time to time see fit, so that no one of 15 such sections or portions shall be less than five miles in length and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway all and every of the clauses of the said Railway Act and the amendments thereof applied to, included 20 in or incorporated with this Act shall apply and extend to any and each of the sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole 25 thereof, and of its whole course and direct on and of the lands intended to be passed over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with re- 30 spect to "plans and surveys."

Calls.

3. The directors of the company may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days' 35 notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

Contracts for construction and equipment, 4. The directors of the company may enter into a contract 40 or contracts with any engineer, promoter, individual, corporation or association of individuals, for the furtherance of the undertaking, the construction or equipment of the line, or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, 45 either in cash or bonds, or in paid up stock; provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

5. The company is hereby authorized to purchase, lease Parks. or acquire by voluntary donation, and to hold, for any estate in the same, and to sell, lease, alienate, or mortgage any lands or premises intended and necessary or suitable for park or 5 pleasure grounds not exceeding one hundred acres in any one municipality; and the company is authorized to improve and lay out such lands as parks, or places of public re-ort and to make and enter into any agreements or arrangements with the municipal corporations of the municipalities wherein the same 10 are situate, or any of them in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds, but none of the provisions of this section shall be in force or have effect unless and until the municipal council or councils of the 15 municipality or municipalities wherein the lands proposed to be acquired by the company are situate, has or have by bylaw declared its or their assent to the company acquiring lands under and for the purposes mentioned in this section, provided that the total acreage of lands acquired by the company for 20 park purposes shall not exceed three hundred acres; and no such park or pleasure ground shall be open to the public on the Lord's Day to be used for games, pic nics concerts, excursions or other public entertainments; provided, moreover, that the company shall not under this section have power to ac-25 quire any lands after the lapse of ten years from the passing of this Act: and, provided, also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

6. The company may receive from any government or from Power to r. 30 any persons or bodies corporate, municipal or politic, who may ceive aid in have power to make or grant the same aid towards the con-etc. struction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money, or by way of guarantee upon such terms 35 and conditions as may be agreed upon.

7. Any municipality through which the said railway may Municipal pass or is situate is empowered to grant by way of gift to the grants of lands. company any lands belonging to such municipality or over which it may have control, which may be required for right 40 of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic; and shall have power to sell or otherwise dispose of the same for 45 the benefit of the company.

8. It shall be lawful for the corporation of any municipality Exemptions through any part of which the railway of the company passes from taxation. or in which it is situate, by by law specially passed for that purpose, to exempt the company and its property within such 50 municipality, either in whole or in part from municipal assess-

ment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years, and no such bylaw shall be repealed unless in conformity with a condition contained therein.

Aid from township municipalities. 9. Any municipality or any portion of a township municipality, which may be interested in securing the construction 10 of the said railway, or through any part of which, or near which, the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation, under and subject to the provisions 15 hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect 20 to granting aid by way of bonuses to railways.

Conditions of municipal by-lays.

- 10. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely;
- (1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in 25 what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.
- (2) In the case of a county municipality the petition shall 30 be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.
- (3) In the case of other municipalities the petition shall be 35 that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.
- (4) In the case of a section of a township municipality the petition shall be presented to the council defining the section 40 by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

45

Provisions of bonus by-laws.

- 11. Such by-law shall in each instance provide:
- (1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the

county or minor municipality, respectively, and shall also provide for the delivery of such debentures, or for the application of the amount to be raised thereby, as may be expressed by said by-law.

- (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with 10 interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.
- 12. Before any such by-law is submitted the railway com. Deposit of 15 pany shall, if required, deposit with the treasurer of the muni-expenses of submitting cipality a sum sufficient to pay the expenses to be incurred in by-law. submitting said by-law.
- 13. In case the by-law submitted be approved of and car-Council, if byried in accordance with the provisions of the law in that be-law carried, to read same a 20 half, then within four weeks after the date of such voting the third time and municipal council, which submitted the same, shall read the pass. said by-law a third time and pass the same.
- 14. Within one month after the passing of such by-law the Issue of said council and the mayor, warden, reeve, or other head or debentures and de ivery 25 other officer thereof, shall is ue or dispose of the debentures to trustees. provided for by the by law and deliver the same duly executed to the trustees appointed, or to be appointed under this Act
- 15. In case any such loan, guarantee, or bonus be so Bonus from granted by a portion of a township municipality, the rate to municipality. 30 be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.
- 16. The councils for all corporations that may grant aid By-laws by way of bonus to the company may by resolution or by-law extending time for com-35 extend the time for the commencement of the work beyond mencement. that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

17. It shall and may be lawful for the coun il of any muni- Extending 40 cipality that may grant aid by way of bonus to the company, time for by resolution or by-law, to extend the time for the completion. of the works (on the completion of which the company shall be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a 45 time.

Aid from county municipality.

18. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof com-prised in the said by-law would be injuriously affected there- 5 by, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county 10 court and one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section 15 thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the bylaw is confirmed by the arbitrators the expense of the refer- 20 ence shall be borne by the petitioners against the same, but if amended then by the railway company, or the county, as the arbitrators may order.

"Minor municipality" meaning of.

19. The term "minor municipality" shall be construed to mean any town not separated from the municipal c unty, 25 township or incorporated village, situate in the county municipality.

Application of Rev. Stat. c. 223, to bonus by-laws.

20. The provisions of The Municipal Act and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a por- 30 tion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Aid from township

21. Any municipality or portion of a township municipality municipalites. interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the con- 35 struction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates; than three cents 40 in the dollar upon the value of the rateable property therein.

Power to purchase whole lots.

22. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over 45 which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such land, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same or any part thereof from time to time as they may deem expedient but the compulsory clauses of the The Railway Act of Ontario shall not apply to this section.

23. When stone, gravel, earth or sand is or are required for Acquiring the construction or maintenance of the said railway or any materials for construction. part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a

10 map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all

15 the provisions of The Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section

20 as to the obtaining materials as aforesaid: and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration

25 is resorted to, to state the interest required.

taken under the preceding section of this Act at a distance gravel pits, from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may inter-30 vene between the railway and the lands on which the said materials shall be found, whatever the distance may be, but such distance shall not exceed one mile in length; and all the provisions of The Railway Act of Ontario, and of this Act, except such as relate to filing plans and publications of notice, shall 35 apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are

21.-(1) When said gravel, stone, earth or sand shall be Sidings to

situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times 40 be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) Such sidings and tracks shall not be used by the company or by others nor shall the company suffer or permit the 45 use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining the said railway.

(3) When estimating the dan ages for the taking of gravel, stone, earth, or sand sub section 9 of section 20 of The Ruil-50 way Act of Ontario shall not apply.

Trustees of municipal debentures.

25. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within one month after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month 10 after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trus- 15 Any of the said trustees may be removed tee or trustees. and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trustee- 20 ship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

26. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto, 25 as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or the amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton, Ancaster and Brantford Railway Municipal 30 Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in the Schedule A 35 hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate 40 under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees. 27. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had 45 agreed.

Collecting back charges in goods. 28. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for 50

the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges

29. The company may also construct an electric telegraph T-legraph and line and a telephone line in connection with their railway and telephone lines. for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by The Act Respecting Telegraph Com-

10 punies being chapter 192 of the Revised Statutes of Ontario, 1897 are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or vil-15 lage being first obtained by the company; provided also that such telegraph and telephone lines shall be used exclusively for the purpose of the business of the company.

30. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meeting powers.

- 20 called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may subject to the provisions in this Act contained, issue bonds, debentures or 25 other securities to the extent of \$20,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary which counter signature and 30 the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per centum per annum as 35 the directors may think proper.
- (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money 40 for prosecuting the said undertaking.
  - (b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, 45 and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$20,000 has been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mortgage to secure bonds

- 31. The company may secure such bonds, debentures or other securities, by a mortgage deed creating such mortgages, 5 charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of said bonds, debentures or other securities, and all other powers, rights and 15 remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in 20 manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.
- (c) It shall not be necessary in the exercise of the powers as 25 to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any 30 place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company 35 under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and pur- 40 poses as therein expressed and set forth, as if the provisions of the said Bills of Sale and Chattel Mortgage Act or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

Bonds charged on undertaking of company. 32. Until they have been surrendered and lawfully can-45 celled the bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under this Act, and the franchise, under-

taking tolls, and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except, as provided for in the next preceding section.

- (a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgage or incumbrance upon the said securities pro rata with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securi-10 ties or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.
- 33. If the company makes default in paying the principal Rights of or interest on any of the bonds, debentures or other securities in case of hereby authorized at the time when the same, by the terms of default. 15 the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and 20 privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount.
- (a) The rights given by this section shall not be exercised 25 by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he at-30 tempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.
- (b) The exercise of the rights given by this section shall not 35 take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.
- 34. All bonds, debentures or other securities hereby author. Bonds, etc., 40 ized may be made payable to bearer, and shall in that case be able. transferable by delivery until registration thereof, as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

35. Any lands or chattel property which may have become Disposal of no longer useful or necessary for the purposes of the company property no may be released by the trustees of any mortgage securing the quired.

bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favour of the said bondholders.

5

Agreements with other companies.

36. The company may enter into any agreement with The Hamilton and Dundas Electric Street Railway Company, The Hamilton Street Railway Company, The Hamilton Radial Electric Railway Company, The Hamilton, Grimsby and Beamsville Electric Railway Company, The Hamilton and 10 Caledonia Railway Company, The Hamilton and Barton Incline Railway Company, The Niagara, St. Catharines and Toronto Railway Company The Brantford Street Railway Company, or any or all of said companies for amalgamating with, selling or leasing the company's railway to, or acquiring 15 by purchase or otherwise, or taking on lease the railway of any of the said companies, in whole or in part, including in either event the rights, powers, surveys, plans, works, p'ant, material, machinery, franchises and other property belonging to the company or belonging to any of the said companies, on 20 such terms as are agreed upon, and they and all of the said companies are hereby empowered to enter into such agreement or agreements.

Connecting tracks with those of other companies.

(2) The company may at any points on or near to its line of railway connect its tracks with the tracks of any or all of 25 the railways in the preceding subsection mentioned, and for that purpose may construct, or the company and any or all of such companies may enter into an agreement or agreements that the railway company with whose tracks such connection is made is to construct all such works, turn outs, switches and 30 signals as may be necessary for the making and operating of such connection

Assent of shareholders.

(3) Provided that each of such agreements has been first approved by resolution at an annual general meeting, or a special general meeting called for the purpose, of the share-35 holders of the company, and of the corporation entering into such agreement, respectively.

Agreement with connecting companies

- 37. The company may from time to time enter into agreements with any of the said railway companies with whose tracks it is by this Act authorized to connect its own tracks, 40 if lawfully authorized to enter into such agreements, for the following purposes:
- (a) For the making, maintenance and operation of such connections and of the works necessary therefor.
- (b) For the interchange of passenger and freight traffic be-45 tween the companies party to the agreement, for the use by either company of property, buildings, plant, material, rolling stock, machinery, appliances and facilities of the other; for the supply of motive power, heat and light by either company to

the other; and generally for services to be rendered by either company to the other.

- (c) For the making of running arrangements and the conduct of the j int traffic of the two companies;
- (d) Generally for all matters and things incidental or conducive to the purposes in this section mentioned.
- (e) Any agreement entered into under the powers conferred by this section shall be upon terms to be approved of by two-thirds in value of the shareholders of the company at 10 a special general meeting to be held for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within 15 the legislative authority of this Province.
  - 38. The company shall have full power and authority;

Power houses,

(1) To purchase land for and erect power houses, ware-elevators, etc. houses, elevators, an incline railway, docks, stations, workshops and offices, and to sell and convey such land as may be 20 found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic 25 in connection with the railway.

(2) To erect and maintain all necessary and convenient Incline railbuildings, an incline railway, stations, depots, wharves and way, buildings, depots, etc. fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, motors, 30 carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and incline railway and the accommodation and the use of the passengers, freight and business of the company.

(3) To enter into arrangements with an incline railway Agreement 35 company for the raising or lowering of the company's motors, with incline railway comcars, carriages, passengers and freight.

(4) To construct, maintain and operate works for the pro- Production of duction of electricity for the motive power of the said railway, electricity. and for the lighting and heating of the rolling stock and other 40 property of the company.

(5) To sell or lease any such electricity not required for the Disposing of purposes as aforesaid to any person or corporation, and the urplus power. company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privi-

45 leges and be subject to all the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

Carrying electricity over or under lands.

(6) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the munici- 5 palities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers 10 or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such 15 works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Necessary con struction work. (?) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using 20 of the railway in pursuance of and according to the meaning and intent of this Act.

Agreements for procuring supply of electric power.

39. The company shall have power to enter into an agreement or agreements with any electric light company or companies organized for the purpose of supplying or furnishing 25 electric power for the purchase, leasing or hiring of power to run their electric motors, carriages, or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways and its branch hereby authorized to be constructed. 30

Operating on highways.

**40**. The railway of the company shall not be constructed or operated on, upon, or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such 35 municipality and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of any such municipality to be passed in pursuance thereof; and in all cases any and every work, matter or thing in connection with electricity or other motor power, and the 40 application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, 45 and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other prop- 50 erty and provided that none of the works or property of the

company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

- (2) The by-laws mentioned in section 1, sub-section 5 of the preceding section and in this section shall be subject to the 5 conditions and provisions of section 632 of The Municipal Act.
- 41. Conveyances of lands to the company for the purposes Form of conof and powers given by this Act, made in the form set forth veyance of land to in Schedule B hereunder written, or to the like effect, shall be company. sufficient conveyance to the company, their successors and 10 assigns of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled 15 to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

42. The company shall have power and authority to become Negotiable parties to promissory notes and bills of exchange for sums not instruments. 20 less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer of the company and under the authority of a quorum of the directors shall be binding on the 25 company; and every such promissory note, or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note 30 or bill of exchange; nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, 35 that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the

43. Subject to the provisions of this Act, the rights, pow-Former 40 ers, privileges and franchises heretofore conferred upon the powers company by its charter or special Act relating thereto shall continued. continue to apply to the said company, but nothing in this Act contained shall affect any agreement heretofore entered into between the company and any municipal corporation, 45 person or body politic

notes or bills of a bank.

44. The several clauses of The Railway Act of Ontario, Application of numbers 8 to 20, 29 and 31 to 39, all inclusive, shall be incor provisions of Rev. Stat., porated with and be deemed to be part of this Act, and shall c. 207.

apply to the company and to the railways heretofore constructed or hereafter to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the said clauses of the said Railway Act 5 and of every Act in amendment thereof so incorported with this Act.

45. The Electric Railway Act shall not apply to the com-Rev. Stat. c. 209, not to pany, or to the lines of railway and branch railway. apply.

Steam not to 46. Steam shall not be used as the motive power for the 10 be used. operation of the railway of the said company.

47. The said company shall not run or operate freight cars Freight traffic on highways. or trains over the said railway so far as the same is carried along any public highway unless and until the consent of the corporation controlling such highway shall have first been 15 obtained, nor until the size and number of cars and motors to be used, and the hours of running the same have first been approved by the Commissioner of Public Works of the Province of Ontario

48. Sub-section 3, of section 384, of The Municipal Act, 20 Rev. Stat. c. 223 s. 384, sub-s. 3, not chapter 223, of the Revised Statutes of Ontario, 1897, as amended by section 15 of the Municipal Amendment Act, 1901, shall not apply to the debentures issued in aid of the company.

49. The said railway shall be completed from the city of 25 Time for completion. Hamilton to the Village of Ancaster within three years and finally completed within five years from the passing of this Act.

50. The said company and any other railway or electric railway company are hereby authorized to enter into arrange- 30 ments each with the other for the joint use and enjoyment of any park or parks or pleasure grounds.

51. Notwithstanding any provision to the contrary in any other Act the company's railway may cross the railway of any other company upon a level therewith with the consent of 35 such other company or with the authority of the Railway Committee of the Privy Council of Canada.

## SCHEDULE A.

(Section 26.)

CHIEF 'ENGINEER'S CERTIFICATE.

The Hamilton, Ancaster and Brantford Railway Company's Office. Engineer's Department, Certificate to be attached to checks drawn on the Hamilton, Ancaster and

to apply to municipal debentures.

Agreements as to parks.

Level cross-

Brantford Railway Company, municipal trust account given under section, chapter, of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, A. B., chief engineer of the Hamilton, Ancaster and Brantford Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the Township of (or under the agreement dated the

day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(Here set out the terms and conditions, if any, which have been fulfilled.)

## SCHEDULE B.

(Section 4I.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of paid to me (or us) by the Hamilton, Ancaster and Brantford Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway to hold with the appurtenances unto the said The Hamilton, Ancaster and Brantford Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

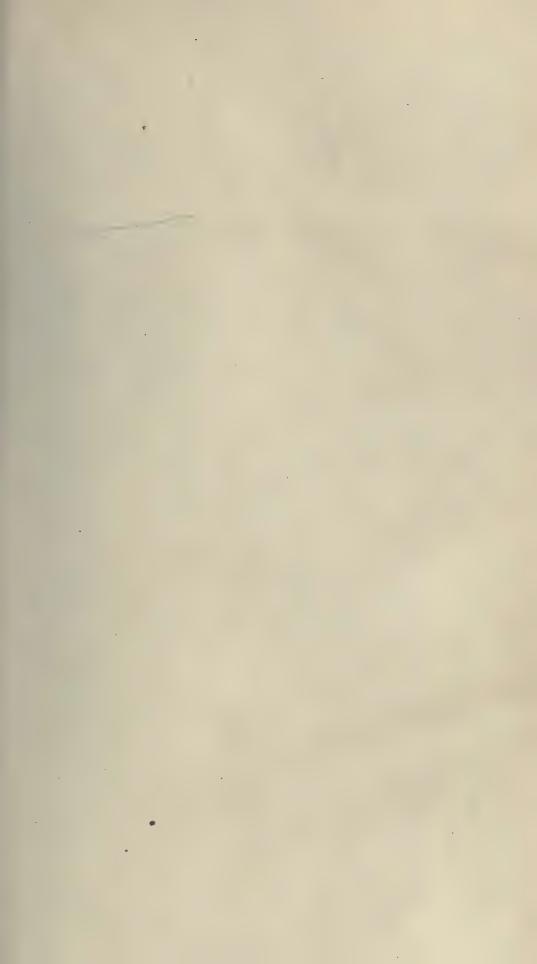
As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred

Signed, sealed, and delivered in presence of

(L. S.

3-34





5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Hamilton Ancaster and Brantford Railway Company.

First Reading,

1902.

(Private Bill.)

Mr. DICKENSON.

TORONT: 1:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act respecting the Hamilton, Ancaster and Brantford Railway Company.

WHEREAS the Hamilton, Ancaster and Brantford Railway Preamble. Company, hereinafter called "the company," has by petition set forth that the said company has been incorporated by Letters Patent under the Great Seal of the Province of Ontario, bearing date the 5th day of November, 1896, and that its capital has been increased and its rights extended by an Act respecting the same, being chapter 96 of 62 Victoria, and by such petition has prayed that an Act may be passed extending the time for the building of the company's line of railway and branch railway, the building of same in sections, and amending the provisions of the company's charter and amending Act, and for the other purposes hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The company is hereby authorized and empowered to Location of survey, lay out, construct, make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity for compresse lair or other motive power to be approved of by the Commissioner of Public Works, except steam, with double or single iron or steel tracks, within the limits of the City of Hamilton, and within the limits of the Townships of Barton and Ancaster, and within the limits of the Village of Ancaster, all in the County of Wentworth, and within the limits of the Township of Brantford, in the County of Brant, and subject to the terms hereinafter provided within the limits of the City of Brantford in said county, passing through or near the unincorporated Villages of Bamberger's Junction, Chedoke Park, Duff's Corners, Alberton, Langford, Echo Place and Cainsville, and through or near Mohawk Park and its branch line of railway from some point on the main line of said railway at or near the Village of Ancaster to the locality known as Sulphur Springs, in the said Township of Ancast r, and the railway or any parts thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respect-

ive corporations having jurisdiction over the same and subject to the restrictions and provisions therein, in this Act, and The Municipal Act, and any Act or Acts amending the same, contained and under and subject to any agreements between the company and the council of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in The Municipal Act, and any Act or Acts amending the same.

Election of directors confirmed. E. A Clifford and William R. Clark who were elected directors of the said Company at its last annual meeting of shareholders are declared to have been duly elected and to be the properly qualified directors of the said company and shall hold office until an election of directors shall take place as provided in section 4 of this Act.

Capital stock, application of.

- 3. The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner:—
- (1) \$60,000 to the section or branch from Hamilton to Ancaster.
- (2) \$24,000 to the branch line from a point on the main line at or near Ancaster to Sulphur Springs.
- (3) \$60,000 to the section or branch from Ancaster to Alberton.
- (4) \$100,000 to the section or branch from Alberton to Cainsville.
- (5) \$56,000 to the section or branch from Cainsville to Brantford.

First general meeting to elect directors,

4. So soon as twenty-five per centum of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per centum of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario. the directors shall call a meeting of the shareholders of the said company for the purpose of electing directors at which meeting the shareholders who have paid at least ten per centum of the amount subscribed for by them shall from the shareholders elect five persons to be directors of the said company.

Calls.

5. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall

be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

- 6. The directors of the company shall have power to issue Bonding bonds and debentures of the company for the purpose of rais-powers. ing money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per centum of the authorised capital appropriated to any one of the branches or sections has been actually expended on such branch or section.
- 7. Aliens and companies incorporated abroad as well as Rights of British subjects and corporations may be shareholders in the aliens. company, and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.
- 8. The company may secure the bonds, debentures or other Securing securities, hereby authorized to be issued, by a mortgage deed bonds by mortgage. creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies grante by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in The Ontario Gazette.
- (c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with

the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills or Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Issue of preference stock 9. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

Construction of line by sections.

Rev. Stat,

10. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway and branch are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of The Electric Railway Act, and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway and branch authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway and branch, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway and branch as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway and branch are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railway and branch had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom, so as to form at all times one continuous line of railway; provided, however,

that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

11. The directors may enter into a contract or contracts Directors emwith any individual, corporation or association of individuals powered to pay in stock. for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the sharehelde s in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

12. The company may make uniform special rates for the Special rates curriage of fruits, milk and other perishable freight.

nilk, etc.

13. The company shall have the power to collect and Collecting receive all charges subject to which goods or commodities may back charges on goods. come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

14. The company shall have power to agree for con-Agreements for connecnections and making running arrangements with The tion, etc.,
Hamilton and Dundas Electric Street Railway Company, The with other Hamilton Street Railway Company, The Hamilton Radial companies. Electric Railway Company, The Hamilton, Grimsby and Beamsville Electric Railway Company, The Hamilton and Caled nia Railway Company, The Hamilton and Barton Incline Railway Company, The Niagara, St. Catharines and Toronto Railway Company, The Brantford Street Railway Company and The South Western Traction Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special

general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any-of them or of any part thereof or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect and affected thereby has first been obtained thereto, but this section shall not te construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

15. The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale lease, or hiring the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions, and regulations general or special as the Lieutenant-Governor-in-Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time order.

Power houses, warehouses, elevators, etc.

Power houses, 47 16. The company shall have full power and authority;

<sup>(1)</sup> To purchase land for and erect power houses, warehouses, elevators, an incline railway, docks, stations, workshops and offices, and to sell and convey such land as may be

found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

(2) To erect and maintain all necessary and convenient Incline railbuildings, an incline railway, stations, depots, wharves and way, buildings, depots, fixtures, and from time to time to alter, repair or enlarge the etc. same, and to build, purchase and acquire engines, motors, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and incline railway and the accommodation and use of the passengers, freight and business of the company.

(3) To enter into arrangements with an incline railway Agreement company for the raising or lowering of the company's motors, with incline cars, carriages, passengers and freight.

(4) To construct, maintain and operate works for the pro- Production of duction of electricity for the motive power of the said railway, electricity. and for the lighting and heating of the rolling stock and other property of the company.

(5) To sell or lease any such electricity not required for the Disposing of purposes as aforesaid in any municipality where such sale or surplus power. lease may be authorized by by-law of the Council of the Municipality to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for supply- Rev. Stat. ing Steam, Heat, Electricity or Natural Gas for Heat, Light c. 200. or Power, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

17. It shall be lawful for the directors of the company to Agreement enter into an agreement or agreements with any other com- with other companies. pany or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorised for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

18. It shall be lawful for the corporation of any munici- Exemptions pality through any part of which the undertaking of the said from municipal pal assessment company passes or in which it is situate by by law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part,

from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by law shall be repealed unless in conformity with a condition contained therein.

Laying rails on highways.

19. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, The Municipal Act and any Act or Acts amending the same, and subject also to the terms of, and, unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway. The

Level crossings. 20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

pany.

Forms of con- 21. Conveyances of lands to the company for the purposes veyance of lands to com of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyance shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

- 22. The directors are hereby authorized to pay out of Expenses of moneys of the company all fees, expenses and disbursements Act of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.
- 23. Notwithstanding anything contained in this Act, or in Exclusive any Statute of the Province, no municipality shall have the electrical franchises not power to grant to said railway any exclusive rights, privileges to be granted or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

24. Subject to the provisions of this Act, the rights, pow-Former ers, privileges and franchises heretofore conferred upon the continued. company by its charter or special Act relating thereto shall continue to apply to the said company, but nothing in this Act contained shall affect any agreement heretofore entered into between the company and any municipal corporation, person or body politic.

25. The undertaking hereby authorized shall be com-Time for commenced within three years and put in operation within five mencement and compleyears after the passing of this Act, and in default thereof tion. the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

26. The several clauses of The Electric Railway Act and Incorporation of every Act in amendment thereof shall be incorporated Rev. S. with and he deemed to be part of this Act. with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of The Electric Railway Act, and of every Act in amendment thereof so incorporated with this Act.

27. Notwithstanding anything in this Act contained, the Terms of railway shall not be constructed within the limits of the City operation of line in City of of Brantford except upon and subject to such terms and con-Brantford. ditions as may be mutually agreed upon between the company and the Brantford Street Railway Company, provided always that if the Council of the City of Brantford shall by by-law or resolution request the Brantford Street Railway Company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into the said City of Brantford the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the City Council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by

this Act to construct a railway, the City Corporation and the Brantford Street Railway Company or as shall be settled and determined by the Lieutenant-Governor in Council in case the City Corporation and the said two companies are unable to agree upon the same.

#### SCHEDULE A.

(Section 21.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of paid to me (or us) by the Hamilton, Ancaster and Brantford Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway to hold with the appurtenances unto the said The Hamilton, Ancaster and Brantford Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred

Signed, sealed, and delivered in presence of

(L. S.)



5th Session, 9th Legislature, 2 Edward VII., 1902.

## DILLI.

An Act respecting the Hamilton, Ancaster and Brantford Railway Company.

First Reading, 4th February, 1902.

(Reprinted as amended by Railway Committee.)

Mr. DICKENSON.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act Respecting the First Coloured Calvinistic Baptist Church in Toronto.

WHEREAS George Washington Smith, John Henry Jack-Preamble. son, Isaac Henry Lewis and William Lewis, all of the City of Toronto in the County of York, trustees of the First Coloured Calvinistic Baptist Church in the City of Toronto, 5 have by their petition represented that by a certain indenture bearing date the tenth day of February, 1845, all that certain piece or lot of land and premises situate in the City of Toronto and being lot number two on the north side of Lot street (now Queen street) in the City of Toronto, which said 10 lot number two is a parallelogram of land having a frontage of forty-four feet on Queen street by one hundred feet on Victoria street, was conveyed to the trustees of the First Coloured Calvinistic Church in the City of Toronto, for the purpose of erecting a meeting house or chapel thereon, and further that 15 the said church erected upon the said lands, a meeting house or chapel and a residence for a minister; and further that the said land is held by the said trustees upon the following among other trusts: "And in further trust and confidence that " the said trustees shall regularly pay the premium upon the in-20 "surance at present or hereafter to be affected upon the said "chapel at the office where the said insurance shall be so affect-"ed, and in case of the said chapel being destroyed by fire, that "they the said trustees shall forthwith cause the same to be "rebuilt from the moneys paid to the said trustees from the 25 " office of the insurance company at which the said chapel may "at the time of the said fire be insured; and in further trust "that in case the moneys to be paid by the insurance company "as aforesaid shall not be sufficient to build a chapel of such size "and dimensions as the majority of the male members of the 30 "said First Coloured Calvinistic Baptist Church at Toronto "shall decide upon, that then the said trustees shall have power "to mortgage the said premises herein conveyed for such addi-"tional sum as may be requisite, over and above the said insur-"ance money, for re-erecting the said chapel, provided neverthe-35 "less and it is expressly declared that the said trustees have no "power to mortgage the said premises for any other purpose or "object whatsoever;" and further that a special local improvement tax was levied against the said lands, with other property, to pay the cost of the extension of Victoria street, and perman-40 ent roadways were laid on Queen street and on Victoria street

for which special local improvement rates were also levied against the said lands; and further that the membership of the said church is small and the trustees have been unable to pay the said taxes as they became due, and there are now arrears of taxes against the said lands and premises amounting to about eight hundred dollars, and that the said lands and premises are advertised for sale for such arrears of taxes; and further that the said trustees have no funds of the said church with which to pay the said taxes, and they are unable to pay the same without borrowing an amount sufficient to pay the 10 same, and securing the same by way of mortgage upon the said lands and premises; and further that the said lands and premises are situate in a locality which is now largely occupied by buildings used for commercial purposes, and it would be in the interests of the church to sell the same and procure 15 another site in a more suitable locality; and whereas is is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow to pay arrears of taxes.

1. It shall be lawful for the trustees of the First Coloured Calvinistic Baptist Church in Toronto, and their successors in office, or a majority of them, as occasion shall require from time to time and at all times hereafter to borrow from any person or corporation willing to lend the same, such sums of 25 money as may be necessary to pay the arrears of taxes now against the said lands and premises, and such further sum as may be hereafter levied for taxes against the said lands and premises, together with all costs, charges and expenses incidental thereto and incidental to the obtaining of this Act, at 30 such rate of interest and on such terms as may be agreed upon, and to secure the moneys so to be borrowed by mortgage or mortgages upon the lands and premises hereinbefore mentioned, and to make any further mortgage or mortgages from time to time as may be required to renew or pay off said mortgage 35 or mortgages or any part thereof, until all the said moneys be paid off.

Power to sell land.

2. The said trustees and their successors in office are hereby empowered to sell and dispose of, for cash or on credit, or partly for cash and partly for credit, the said lands and premises 40 and to convey the same when so sold to the purchaser or purchasers thereof, freed and discharged from the trusts expressed and declared concerning the same in the hereinbefore in part recited indenture; provided always that any such sale shall be first approved by the said congregation at a general meeting of the members thereof duly called for the purpose of 45 considering such proposed sale by notice given from the pulpit of said church during divine service for two successive Sundays immediately preceeding the said meeting, and that

the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting.

3. No purchaser of said lands and no person or corporation Purchaser not 5 advancing any money to the said trustees or their successors in bound to see to application office upon any mortgage shall be bound to see to the applica- of proceeds. tion or be responsible for the misapplication of any purchase or mortgage money.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the First Coloured Calvinistic Baptist Church in Toronto.

First Reading, 1902

(Private Bill.)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the First Coloured Calvinistic Baptist Church in Toronto.

WHEREAS George Washington Smith, John Henry Jack- Preamble. son, Isaac Henry Lewis and William Lewis, all of the City of Toronto in the County of York, trustees of the First Coloured Calvinistic Baptist Church in the City of Toronto, have by their petition represented that by a certain indenture bearing date the tenth day of February, 1845, all that certain piece or lot of land and premises situate in the City of Toronto and being lot number two on the north side of Lot street (now Queen street) in the City of Toronto, which said lot number two is a parallelogram of land having a frontage of forty-four feet on Queen street by one hundred feet on Victoria street, was conveyed to the trustees of the First Coloured Calvinistic Church in the City of Toronto, for the purpose of erecting a meeting house or chapel thereon, and further that the said church erected upon the said lands, a meeting house or chapel and a residence for a minister; and further that the said land is held by the said trustees upon the following among other trusts: " And in further trust and confidence that "the said trustees shall regularly pay the premium upon the in-"surance at present or hereafter to be affected upon the said "chapel at the office where the said insurance shall be so affect-"ed, and in case of the said chapel being destroyed by fire, that "they the said trustees shall forthwith cause the same to be "rebuilt from the moneys paid to the said trustees from the "office of the insurance company at which the said chapel may "at the time of the said fire be insured; and in further trust "that in case the moneys to be paid by the insurance company "as aforesaid shall not be sufficient to build a chapel of such size "and dimensions as the majority of the male members of the ' said First Coloured Calvinistic Baptist Church at Toronto "shall decide upon, that then the said trustees shall have power "to mortgage the said premises herein conveyed for such addi-"tional sum as may be requisite, over and above the said insur-"ance money, for re-erecting the said chapel, provided neverthe-"less and it is expressly declared that the said trustees have no "power to mortgage the said premises for any other purpose or "object whatsoever;" and further that a special local improvement tax was levied against the said lands, with other property, to pay the cost of the extension of Victoria street, and permanent roadways were laid on Queen street and on Victoria street

for which special local improvement rates were also levied against the said lands; and further that the membership of the said church is small and the trustees have been unable to pay the said taxes as they became due, and there are now arrears of taxes against the said lands and premises amounting to about eight hundred dollars, and that the said lands and pre vises are advertised for sale for such arrears of taxes; and further that the said trustees have no funds of the said church with which to pay the said taxes, and they are unable to pay the same without borrowing an amount sufficient to pay the same, and securing the same by way of mortgage upon the said lands and premises; and further that the said lands and premises are situate in a locality which is now largely occupied by buildings used for commercial, purposes, and it would be in the interests of the church to sell the same and procure another site in a more suitable locality; and whereas the said congregation have, at a meeting specially called to consider the matter, authorized the application for this legislation by a unanimous vote, and no one has appeared to oppose the said petition; and whereas is is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow to pay arrears of taxes.

1. It shall be lawful for the trustees of the First Coloured Calvinistic Baptist Church in Toronto, and their successors in office, or a majority of them, as occasion shall require from time to time and at all times hereafter to borrow from any person or corporation willing to lend the same, such sums of money as may be necessary to pay the arrears of taxes now against the said lands and premises, and such further sum as may be hereafter levied for taxes against the said lands and premises, together with all costs, charges and expenses incidental thereto and incidental to the obtaining of this Act, at such rate of interest and on such terms as may be agreed upon, and to secure the moneys so to be borrowed by mortgage or mortgages upon the lands and premises hereinbefore mentioned, and to make any further mortgage or mortgages from time to time as may be required to renew or pay off said mortgage or mortgages or any part thereof, until all the said moneys be paid off.

Power to sell land.

2. The said trustees and their successors in office are hereby empowered to sell and dispose of, for cash or on credit, or partly for cash and partly for credit, the said lands and premises and to convey the same when so sold to the purchaser or purchasers thereof, freed and discharged from the trusts expressed and declared concerning the same in the hereinbefore in part recited indenture; provided always that any such sale shall be first approved by the said congregation at a general

meeting of the members thereof duly called for the purpose of considering such proposed sale by notice given from the pulpit of said church during divine service for two successive Sundays immediately preceeding the said meeting, and that the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting.

3. No purchaser of said lands and no person or corporation Purchaser not advancing any money to the said trustees or their successors in bound to see to application of proceeds. tion or be responsible for the misapplication of any purchase or mortgage money.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the First Coloured Calvinistic Baptist Church in Toronto.

First Reading, 1902

(Reprinted as amended by Private Bills Committee.)

Mr. DRYDEN.

TORONTO:
PHINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### An Act respecting the County of York.

WHEREAS by agreement made between the City of Toronto Preamble. and the County of York respecting the erection and maintenance of a court house, and the expenses of the administration of justice, which agreement is contained in the schedule to chap-5 ter 73 of the statutes passed in the 48th year of the reign of Her late Majesty Queen Victoria, it was amongst other things, provided that the county should pay to the city such sum annually in respect of the use of the said court house for county purposes, including the holding of court and the use of 10 portions thereof by judicial officers of the judicial county, as a part of such judicial county should honestly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house as might be agreed upon, or, in case the parties were unable to agree, 15 such annual sum as should be settled by arbitration as provided by said agreement; and it was provided that if the cost of the site and of the erection of the court house with the offices aforesaid should exceed four hundred thousand dollars, yet in fixing said annual sum the cost of the site and erection 20 of the buildings was not to be taken at any larger amount than four hundred thousand dollars; and whereas the City of Toronto and the County of York have agreed that in lieu of such annual sum for the use of said court house the said county shall pay to the said city the sum of eighty-four 25 thousand dollars (\$84,000) in cash as of the first day of April, 1900; and whereas it is expedient that the county should be given power to raise the said sum of \$84,000 by the issue of debentures; and whereas the city and county have made other agreements as to certain matters arising 30 between the city and county respecting the maintenance of the court house, and the cost of the administration of justice and other matters; and it is expedient that such agreements should be ratified and confirmed; and whereas it is desirable that provision should be made for a more equitable system of 35 payment of expenses in connection with education in the high schools and model schools in separated towns situated within the boundaries of the County of York:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 40 as follows:—

By-law to borrow \$84,000 for court house purposes.

1. It shall be lawful for the corporation of the County of York to pass a by-law without submitting the same to the ratepayers for the issue of debentures to the amount of \$84,000, bearing interest at the rate of four per centum per annum and payable in thirty years from the passing of such 5 by-law, sufficient of the proceeds of such debentures to be appropriated to the purpose of paying a fixed sum to the City of Toronto in lieu of an annual payment in respect of the use of the court house for county purposes, including the holding of courts and the use of portions thereof by judicial officers of 10 the judicial county, as a part of such judicial county should justly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house, such cost of building and site to be taken as not exceeding \$400,000; and on payment to the said city by 15 the said county of the said sum of \$84,000, with interest on such sum from the first day of April, 1901, at the rate of four per centum per annum the said county shall forever be relieved from any further payments on account of the erection of the said court house and the use thereof as aforesaid; and the said 20 county shall have an insurable interest in the said building and the furniture thereof.

Auditors.

2. The Council of the County of York may appoint an auditor who may be a member of the said council at the first meeting of the county council in each year, at such salary as 25 to the said county council may seem proper, to audit the accounts of disbursements by the City of Toronto in respect of repairing, heating, lighting, furnishing and maintenance of that portion of the court house used for judicial purposes and by judicial officers.

Report of auditors.

- 3. The said auditor shall from time to time report to the county council as to any disbursements made in respect of the said repairing, heating, lighting, furnishing and maintenance, and if the council is dissatisfied with or objects to any such payments, the same shall be referred to the Official Arbitrator, 35 whose decision in regard to any such payment shall be final.
- 4. The corporation of the said county shall be at liberty to rent to any person or corporation any portion of the old county court-house building in the City of Toronto, and such renting shall not affect the exemption from taxation of the said building and the land whereon it is situate (except 40 for local improvements), provided however that the City of Toronto may impose and collect taxes on the amount of money received by the said county from rents of the said buildings or portions thereof.

Contribution by Toronto Junction for high school purposes. 5. The Town of Toronto Junction shall pay to the County 45 of York for high school purposes the same sum as the said town would be obliged to pay to the county for such purposes and the county shall grant to the town the same sum as would

be granted if the said town were not separated from the county and the assessment of the said town were equalized, and the equalization of the assessment of the said town and the amount to be paid for high school purposes shall, unless mutually 5 agreed upon, be fixed and settled by the county judge; provided that in no case shall the town be obliged to pay to the county a greater sum than two-thirds of the county grant.

6. That towns in the County of York separated from the Contribution county, in which no high school is situate, shall pay to the by separted 10 county for the maintenance of pupils in the high schools in high school the county the same amount as such town would be obliged purposes. to pay if such town were not separated from the county, and, unless the parties mutually agree, the amount of such payment shall be fixed and settled by the county judge.

7. The City of Toronto and towns separated from the Contribution county shall pay to the county their just share and proportion from city and of the cost and expenses of those members of the County separated Board of Examiners in the County of York appointed by the county board City of Toronto or the public school board thereof or by such of examiners.

20 separated town or the public school board thereof; and unless the parties mutually agree the amount to be so paid shall be fixed and settled by the county judge.

8. Towns in the said county separated from the county Cost of shall pay to the county their just share and proportion of the continuation cost and expenses of continuation classes. 25 cost and expenses of continuation classes in the said towns, and unless the parties mutually agree the amount to be so paid shall be fixed and settled by the county judge.

5th Session, 9th Legislature, 2 Edward VII., 1902.

An Act respecting the County of York.

First Reading, , 1902.

(Private Bill.)

Mr. HILL.

PRINTED BY L. K. CAMEBON, TORONTO:

Printer to the King's Most Excellent Majesty.

#### An Act respecting the County of York.

WHEREAS by agreement made between the City of Toronto Preamble. and the County of York respecting the erection and maintenance of a court house, and the expenses of the administration of justice, which agreement is contained in the schedule to chapter 73 of the statutes passed in the 48th year of the reign of Her late Majesty Queen Victoria, it was amongst other things, provided that the county should pay to the city such sum annually in respect of the use of the said court house for county purposes, including the holding of court and the use of portions thereof by judicial officers of the judicial county, as a part of such judicial county should justly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house as might be agreed upon, or, in case the parties were unable to agree, such annual sum as should be settled by arbitration as provided by said agreement; and \* whereas it was provided that if the cost of the site and of the erection of the court house with the offices aforesaid should exceed \$400,000 yet in fixing said annual sum the cost of the site and erection of the buildings was not to be taken at any larger amount than \$400,000 and whereas the City of Toronto and the County of York have agreed that in lieu of such annual sum for the use of the said court house the said county shall pay to the said city the sum of \$84,000 in cash as of the first day of April, 1900; and whereas it is expedient that a by-law of the county to raise the said sum of \$84,000 by the issue of debentures should be validated and confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 867 of the Corporation of the County By-law No. of York, intituled "A by-law to raise by way of loan \$84,000 867 validated. to be paid in lieu of an annual sum for the use of the Court House and offices in the City of Toronto," which by-law is set forth in Schedule A to this Act, and all debentures to be issued thereunder are hereby validated and confirmed.

The county empowered to rent to any person or corporation any portion of the old Court House. county court-house building in the City of Toronto, and such renting shall not affect the exemption from taxation of the said building and the land whereon it is situate (except for local improvements), provided however that the City of Toronto may impose and collect taxes on such portions of the said building as may be rented at any time, the value of such portions for the purposes of assessment to be based on the amount of such rental.

#### \*SCHEDULE A.

BY-LAW No. 867 TO RAISE, BY WAY OF LOAN, EIGHTY-FOUR THOUS-AND DOLLARS TO BE PAID IN LIEU OF AN ANNUAL SUM FOR THE USE OF THE COURT HOUSE AND JUDICIAL OFFICES IN THE CITY OF TORONTO.

Whereas by agreement made between the City of Toronto and the County of York respecting the erection and maintenance of a court house, and the expenses of the administration of justice, which agreement is contained in the schedule to chapter 73 of the statutes passed in the 48th year of the reign of Her late Majesty Queen Victoria, it was, amongst other things, provided that the county should pay to the city such sum annually in respect of the use of the said court house for county purposes, including the holding of courts and the use of portions thereof by judicial officers of the judicial county, as a part of such judicial county should honestly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house as might be agreed upon, or, in case the parties were unable to agree, such annual sum as should be settled by arbitration as provided by said agreement; and it was provided that if the cost of the site and of the election of the court house with the offices aforesaid should exceed four h ndred thousand dollars, yet in fixing said annual sum the cost of the site and erection of the buildings was not to be taken at any larger amount than four hundred thousand dollars; and whereas the City of Toronto and the County of York have agreed that in lieu of such annual sum for the use of the said court house and offices, the said county shall pay to the said city the sum of eighty-four thousand dollars (\$84,000) in cash as of the first day of April, 1901; and whereas it is expedient that the county

should raise the said sum of \$84,000 by the issue of debentures;
And whereas it will require a total amount of \$4,857.73 to be raised unually, by special rate, for paying the said debt of eighty-four thousand dollars and interest thereon at four per cent. per annum, payable yearly;

And whereas the amount of the whole ratable property of the County of York, according to the last revised and equalized assessment roll, is

\$26,730,246;

And whereas the existing debenture debt of the County of York is \$27,308.36 (of which sum \$7,003.44 is in non-resident land fund debentures, payable by the Municipal Corporation of the Township of York), and there is no principal or interest in arrears thereon;
It is therefore enacted by the Municipal Council of the Corporation of

the County of York:

- It shall be lawful for the Warden of the County of York to raise, by way of loan, from any person or corporation who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, the sum of eighty-four thousand dollars for the purposes afore-
- 2. It shall be lawful for the Warden to cause a series of debentures to be made for the amount of the said sum of eighty four thousand dollars, according to the following schedule :-

### DEBENTURES AMOUNTING TO \$84,000, BEARING 4% INTEREST.

#### PAYABLE IN 30 EQUAL ANNUAL INSTALMENTS.

Year.	Interest.	Principal.	Amount.
1	\$3,360 00	\$1,497 75	\$4,857 73
2	3,300 09	1,557 64	4,857 73
3	3,237 79	1,619 94	4,857 73
4	3,172 99	1,684 74	4,857 73
5	3,105 60	1,752 13	4,857 73
6	3,035 51	1,822 22	4,857 73
7	2,962 63	1,895 10	4,857 73
8	2,886 82	2,970 91	4,857 73
9	2,807 98	2,049 75	4,857 73
10	2,725 99	2,131 74	
11	2,640 73	2,217 00	4,857 73
10			4,857 73
10		2,305 68	4,857 73
14	2,459 82	2,397 91	4,857 73
9 20	2,363 90	2,493 83	4,857 73
10	2,264 15	2,593 58	4,857 78
16	2,160 41	2,697 32	4,857 73
17	2,052 51	2,805 22	4,857 73
18	1,940 30	2,917 43	4,857 73
19	1,823 61	3,034 12	4,857 73
20	1,702 24	3,155 49	4,857 73
21	1,576 02	3,281 71	4,857 73
22	1,444 75	3,412 98	4,857 73
23	1,308 24	3,549 49	4,857 73
24	1,166 26	3,691 47	4,857 73
25	1,018 60	3,839 13	4,857 73
26	865 03	3,992 70	4,857 73
27	705 32	4,152 41	4,857 73
28	539 23	4,318 50	4,857 73
29	366 49	4 491 24	4,857 73
30	186 84	4,670 89	4,857 73
	\$61,731 90	\$84,000 00	\$145,731 90

And the said debentures shall be sealed with the seal of the Municipal Corporation of the County of York, and shall be signed by the Warden and countersigned by the Treasurer thereof.

- 3. The said debentures shall be payable upon the first day of April in each year, at the office of the Treasurer of the Ccunty of York, in the City of Toronto.
- 4. The said debentures shall bear interest at the rate of four per cent. per annum from the date thereof, which interest shall be payable yearly on the first day of April in each year, at the said Treasurer's office.
- 5. There shall be raised in each yearduring the currency of the said debentures, the sum of \$4,857.73 which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debentures, and the said instalments and interest shall, respectively, become payable according to the terms thereof.
- 6. The said annual sum of \$4,857.73 shall be raised and levied in each year by a special rate sufficient therefor, on all the ratable property in the municipality.
- 7. This by law shall take effect, and come into operation the first day of April in the year of our Lord 1902. Passed February 7th, 1902.

JOHN A. RAMSDEN, (Sgd.) R. NORMAN, Warden. [Seal.]

5th Session, 9th Legislature, 2 Edward VII., 1902.

BILLL.

An Act respecting the County of York.

First Reading, 21st January, 1902. Second Reading, 12th February, 1902.

(Reprinted as amended by Private Bills Committee).

Mr. HILL.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

TORONTO:

[ 1902.

## BILL.

An Act Respecting the Town of Fort William, 1902.

WHEREAS the Council of the Corporation of the Town of Preamble. Fort William has by petition represented that since the incorporation of said town various irregularities and failures to comply with the provisions of The Assessment Act 5 have occurred in the assessing and levying of the taxes of such town, and that in consequence thereof and recent decisions of our courts the said town has had great difficulty in collecting its taxes, and has prayed that all assessment rolls of the said town heretofore revised and all collectors' rolls heretofore 10 returned and all collectors' returns heretofore made, and all sales of lands within the said town made prior to the 1st day of January, 1901, and purporting to be for arrears of taxes should be confirmed and no objection has been made thereto by any ratepayer; and whereas the said council has further 15 prayed by its petition that An Act Respecting the Town of Fort William, 1900, should be amended by computing the time for the performance of any act on the part of The Mattawin Iron Mining Company, Limited, under agreements set out in Schedules D and E of such Act, from the 30th day of Octo-20 ber, 1901, instead of as therein mentioned; and whereas the said council has further represented by its petition that it has a floating indebtedness of about \$17,000 made up as set out in the by-law hereinafter mentioned, and that such by-law was duly submitted to the qualified ratepayers of said town enti-25 tled to vote thereon on the 5th day of January, 1902, and there were 273 votes polled in favor thereof and 51 votes polled against the same, and that for the reasons set forth in such by-law the said council and the ratepayers thereof deem it expedient to consolidate and issue debentures for such floating debt, and 30 have prayed that such by-law being By-law No. 287 of said town, entitled "A by-law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" (a copy of which by-law is set out in Schedule A to 35 this Act) should be confirmed; and whereas the said council has further represented by its petition that its contract with Edward Spencer Jenison, set out in Schedule A to the Act passed in the 62nd year of the reign of Her late Majesty Queen, second session, chaptered 120, has lapsed by reason 40 of default of said Jenison thereunder, and that no agreement other than that contained therein has been made or entered

into with the said Jenison, and said town requires a water supply as well as more power to run its electric lighting and waterworks plants; and whereas it is desirable that the said town should possess the rights to develop 10,000 horse power of electric energy or power at or near Kakabeka Falls and to divert the waters of the Kaministiquia River above said falls necessary for such development as well as for a water supply for said town, and has prayed for the special enactments in that behalf hereinafter contained; and whereas it is expedient to grant the prayer of such petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment rolls confirmed.

1. All assessment rolls of said town heretofore finally revised, all collectors' rolls of said town heretofore returned by 15 the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed.

Tax sales confirmed.

2. All sales of lands in the Town of Fort William purporting to have been made by the corporation thereof for arrears of taxes, prior to the 1st day of January, 1901, and all deeds 20 issued in pursuance thereof are hereby confirmed and validated.

Computing time for doing certain acts under The Mattawin Iron Mining Co. agreement

3. The days and times fixed in the agreements between the said town and The Mattawin Iron Mining Company, Limited, set out in Schedules D and E of An Act Respecting the Town of Fort William, 1900, for the doing of anything or perform-25 ance of any act on the part of the said company shall be computed from the 30th day of October, 1901, instead of from the passing of the said An Act respecting the Town of Fort William, 1900, and said agreements are hereby amended accordingly, and as so amended shall be read as and form part of 30 such Special Act as if such agreements were so amended and such amendments incorporated therein at the time of passing of such Special Act.

By-law No. 287 to consolidate debt of town confirmed. 4. The said corporation is hereby declared to have had power to pass by-law No. 287 of said town, intituled "A by- 35 law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" and which is fully set forth in Schedule A hereto, and said by-law is hereby declared to be a valid, legal and existing by-law of the said corporation, and all debentures issued or to be issued thereunder shall be binding upon the said corporation and the rate-payers thereof.

Application of debentures.

5. The said debentures and all monies arising therefrom shall be supplied by the said corporation in the repayment of 45 the floating debt of \$17,000 aforesaid, and in and for no other purpose whatsoever.

6. It shall be the duty of the treasurer of said town from Treasurer to time to time to keep and it shall be the duty of each of the keep account members from time to time of the municipal council of the dated debt. said corporation to procure such treasurer to keep and see that

5 he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under such by-law and the respective amounts, payment of which is thereby secured and the times at which the said

10 debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at

- 15 all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures issued or to be issued under the provisions of said by-law and Act.
- 7. Nothing in this Act contained shall be held or taken to Indebtedness 20 discharge the corporation of the Town of Fort William of or of town not discharged. from any indebtedness or liability which may not be included in the said floating debt of the said town.

8. Nothing in said by-law, or the provisions of sections 4 to Rights of 7, both inclusive, of this Act, shall be held or taken in any town not prejudiced. 25 way to prejudice the right of the said corporation to collect, realize, or enforce payment of any of the assets of said town referred to in such by-law, or any securities incidental thereto, nor to discharge any person, party, or corporation, of or from any indebtedness or liability therefor to the said corporation.

9. All monies realized by the said corporation from any of Application of the assets of the said corporation referred to in such by-law sa'es of town shall, after deducting all proper costs, charges and expenses assets. incurred in the collection or realization of same, be credited to and applied in repayment of the debentures issued under said 35 by-law and this Act and for no other purpose whatsoever, and at the first period thereafter for levying and raising the yearly sum of \$1,306.89 as provided in said by law for the repayment

only shall be raised and levied as is necessary after crediting 40 and applying from time to time the monies aforesaid in and towards payment thereof.

of the principal and interest in twenty years, so much thereof

10. The Corporation of the Town of Fort William is hereby Development empowered and authorized to develop at or near Kakabeka of Kakabeka Falls water Falls on the Kaministiquia river 10,000 horse-power of elec-power.

45 trical power or energy, and to divert such water from the said Kaministiquia river above said Kakabeka Falls as shall be necessary for such development as well as for the purpose of a water supply for the Town of Fort William, returning so much thereof as is not used for a water supply to the river again below said Kakabeka Falls, and for such diversion are hereby empowered to cut, dig, build and erect all dams, canals tunnels and other works and improvements necessary therefor as well as for such development.

5

Powers of town as to wat r supply

11. The said corporation shall have all the rights, powers and privileges in respect of obtaining its water supply from the said Kakabeka Falls conferred upon said corporation by The Municipal Water Works Act, 1897 and any amending Acts thereto as fully and to the same extent as if said source 10 of supply at or near Kakabeka Falls and all intervening lands were within ten miles of the said corporation.

Power to acquire lands.

12. The said corporation is hereby empowered and authorized to acquire, appropriate, have, hold and enjoy all lands necessary for such development and diversion and for the 15 works, machinery and plant in connection therewith.

apply.

Rev. Stat. 13. Sections 3, 6, 7, 8, 9 and 10 of *The Municipal Water* c, 235, ss. 3, 6, Works Act shall be read into and form part of this Act as if 7, 8, 9, 10 to incomposited horsing 13. Sections 3, 6, 7, 8, 9 and 10 of The Municipal Water incorporated herein.

Construction of works to convey water from sources of supply.

14. The said corporation may cut, dig, tunnel, make, erect 20 and maintain in and upon said lands, canals, tunnels, dams, works, machinery and plant, requisite for the undertaking, as well as for conveying the said electrical power or energy thereto and therefrom, in, upon, through and over any lands lying intermediate between the said source of supply and place of 25 development and the said town, by one or more lines of poles, wires and rods as may from time to time be found necessary.

Right to enter on lands.

- The said corporation, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same 30 may cut and dig up, if necessary, and may erect the said poles, wires and rods through and over the same, and in, upon, through, over and under the highways, streets, lanes, roads or other passages within the said town, or lying intermediate, said place of development and the said municipality, and in, upon, 35 through, over and under the lands and premises of any person within the said town.
- (2). All lands, not being the property of the said town, and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition 40 without delay.
- (3). The said town may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said towns may think necessary and proper for the making and maintaining of the said works, and for the purchasing 45 of any lands required for the protection of the said works or for taking up, removing or altering the same, and for distri-

buting such electrical power or energy to the purchasers thereof within the said town or otherwise, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same pass.

16. For the purpose of distributing the electrical power or Conveying energy as aforesaid, the said corporation may cut, dig and erect power through poles, wires, rods and other contrivances necessary for conveying such power and may from time to time alter all or any of the said works, as well in the position as in the construction 10 thereof as they may consider advisable.

17. The said corporation shall do as little damage as may Recompense be in the execution of the powers by this Act granted to them, to property owners. and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken

- 15 or used by the corporation, or injuriously affected by the exercise of its powers to be ascertained as provided in like cases in The Municipal Act.
- 18. All canals, dams, tunnels, machinery plant and other Works vested works requisite for the undertaking shall likewise be vested in corporations. 20 in and be the property of the said corporation.

19. The said corporation is hereby empowered to lease, Power to sell and otherwise deal with such electrical power or energy lease or sell with any person, party or corporation desiring same upon and to borrow such terms as such corporation deems meet, and is empowered money.

25 to borrow money on the credit of the municipality for carrying out and exercising the powers conferred by this Act in the same manner and subject to same provisions as if such undertaking was within the powers exerciseable by such corporation under The Municipal Act, and the said canals, dams, tunnels,

30 machinery, plant and other works necessary for the undertaking or used in connection therewith, and also the lands acquired for the purpose thereof, and every other matter and thing connected therewith shall be specially charged with the repayment of any sum or sums which may be borrowed by the

35 corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, canals, dams, tunnels, machinery, plant and other works, and the property appertaining thereto, for securing the payment 40 of the debentures and interest thereon.

20. This Act shall be cited as "An Act Respecting the Short title. Town of Fort William, 1902," and shall not affect any pending litigation.

#### SCHEDULE A.

BY-LAW NO. OF THE TOWN OF FORT WILLIAM.

A by-law to consolidate the floating indebtedness of the corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor.

Whereas the corporation of the Town of Fort William has a floating indebtedness of \$17,000.

And whereas \$9,514.02 of said floating debt has arisen by reason of expenditures from time to time being made for the improvement of roads and cons ruction of sidewalks in said town in excess of the amounts provided therefor, and which has been carried along, accumulating from year to year as a deficit.

And whereas \$1,000 of said floating debt has been caused by the expenditure of that amount in the purchase of the site for a government post officeand customs building and unprovided for.

And whereas \$6,596.05 of said floating debt represents that amount of supposed assets of said town, which are uncollectable.

And whereas said floating debt has to be financed by a current loan from local banks from time to time at a higher rate of interest than if consolidated and debentures issued therefor, at a great loss to the corporation and the ratepayers thereof.

And whereas it is desirous to have said floating debt consolidated and debentures issued therefor, and that the legislature of the Province of Ontario should be asked to approve of and confirm same.

And whereas the said sum of \$17,000 is the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll of said town amounts to \$1,333,451.00.

And whereas the general debenture debt of the said town, exclusive of local improvements amounts to \$262,939.86 of which no part of the principal or interest thereon is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$17,000, bearing interest at four and one half per centum, per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,306.39 to be raised annually by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest as aforesaid.

Therefore the corporation of the Town of Fort William enacts as follows:—

1. It shall be lawful for the mayor of the said corporation, and he is hereby empowered, to borrow the said sum of seventeen thousand dollars on the credit of the said corporation for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$1,306.89, payable at office of the treasurer of the Town of Fort William as follows:—

Table for \$17,000 debentures payable Instalment plan:

Debenture Time when	
Debenture Time when No. Payable. Interest. Principal.	Total.
June 1st.	
1 1903 \$765 00 \$ 541 89	\$1,306 89
2	1,306 89
3 1905 715 13 591 76	1,306 89
4	1,306 89
5 1907 660 67 646 22	1,306 89
6	1,306 89
7	1,306 89
8	1.306 89
9	1,306 89
	1.306 89
	1,306 89
	1.306 89
	1,306 89
14 1916 346 55 960 34	1,306 89
<b>1</b> 5	1,306 89
16	1,306 89
17 1919 210 98 1,095 91	1,306 88
<b>18</b> 1920 <b>161</b> 66 <b>1</b> ,145 23	1,306 89
19 1921 110 13 1,196 76	1,306 89
20 1922 56 27 1,250 62	1,306 89

Annual payment, \$1,306.89 (said \$1,306.89 being a sufficient yearly sum to be raised during each year of the said period of twenty years to repay said debt and interest at four and one-half per centum per annum thereon).

- 2. The said debentures shall bear date as of the first day of June, 1902, shall be signed by the mayor and treasurer thereof, and sealed with the seal of the said corporation.
- 3. During the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$1,306.89 for the payment of the said debt and interest as aforesaid.
- 4. Every debenture to be issued hereunder shall contain a provision in the following words: This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.
- 5. That the Legislature of the Province of Ontario shall be petitioned for to confirm and ratify this by-law.
  - 6. That this by-law shall come into force on the 1st day of June, 1902
- 7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 6th day of January, 1902, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows:
- In Ward 1—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.
- In Ward 2—(Sub-div. No. 1) In Montreal Bank block, Victoria avenue, W. Newcombe, deputy returning officer.
- (Sub-div. No. 2—At town hall: deputy returning officer, E. S. Rutledge.
- In Ward 3—At Steven's photograph gallery, deputy returning officer, W. Palling.
- In Ward 4—At court house, M. W. Bridgman, deputy re'urning officer. 8. That on Saturday, the 14th day of January 1902, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of a pointing in writing, signed by himself, two persons to

attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Saturday, the 11th day of January, 1902, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 21st day of January, 1902.

JOSHUA DYKE,
Mayor.
A. McNaughton,
Clerk.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL

An Act respecting the Town of Fort William, 1902.

First Reading,

1902.

Mr. CONMEE.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Fort William, 1902.

HEREAS the Council of the Corporation of the Town of Preamble. Fort William has by petition represented that since the incorporation of said town various irregularities and failures to comply with the provisions of The Assessment Act have occurred in the assessing and levying of the taxes of such town, and that in consequence thereof and recent decisions of our courts the said town has had great difficulty in collecting its taxes, and has prayed that all assessment rolls of the said town heretofore revised and all collectors' rolls heretofore returned and all collectors' returns heretofore made, and all sales of lands within the said town made prior to the 1st day of January, 1901, and purporting to be for arrears of taxes should be confirmed and no objection has been made thereto by any ratepayer; and whereas the said council has further prayed by its petition that An Act Respecting the Town of Fort William, 1900, should be amended by computing the time for the performance of any act on the part of The Mattawin Iron Mining Company, Limited, under agreements set out in Schedules D and E of such Act, from the 30th day of October, 1901, instead of as therein mentioned; and whereas the said council has further represented by its petition that it has a floating indebtedness of about \$17,000 made up as set out in the by-law hereinafter mentioned, and that such by-law was duly submitted to the qualified ratepayers of said town entitled to vote thereon on the 5th day of January, 1902, and there were 273 votes polled in favor thereof and 51 votes polled against the same, and that for the reasons set forth in such by-law the said council and the ratepayers thereof deem it expedient to consolidate and issue debentures for such floating debt, and have prayed that such by-law being By-law No. 287 of said town, entitled "A by-law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" (a copy of which by-law is set out in Schedule A to this Act) should be confirmed; and whereas the said council has further represented by its petition that its contract with Edward Spencer Jenison, set out in Schedule A to the Act passed in the 62nd year of the reign of Her late Majesty Queen, second session, chaptered 120, has lapsed by reason of default of said Jenison thereunder, and that no agreement other than that contained therein has been made or entered

into with the said Jenison, and said town requires a water supply as well as more power to run its electric lighting and waterworks plants; and whereas it is desirable that the said town should possess the rights to develop 10,000 horse power of electric energy or power at or near Kakabeka Falls and to divert the waters of the Kaministiquia River above said falls necessary for such development as well as for a water supply for said town, and has prayed for the special enactments in that behalf hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment rolls confirmed.

1. All assessment rolls of said town heretofore finally revised, all collectors' rolls of the said town heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed, notwithstanding any irregularity, fault or omission in the said assessments, collector's rolls or collector's returns or in any matter or thing done or omitted to be done in relation thereto, notwithstanding anything contained in any Act or Acts to the contrary.

Tax sales confirmed.

2. All sales of land within the said town made before the 1st day of January, 1901, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessments, or any other proceedings, for imposition of any taxes so in arrear, or any failure to comply with the requirements of The Consolidated Assessment Act, 1892, or of The Assessment Act, or of any Act or Acts amending the same in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about the said sale on the part of any official of the said town, and notwithstanding anything to the contrary in any of the said Acts contained.

Existing litigation notaffected.

3. The provisions of section 1 and section 2 of this Act shall not affect any action, matter or other proceeding now pending, but every such action, matter or other proceeding shall be proceeded with and heard and determined as if the said section had not been passed.

4. The corporation of the Town of Fort William is hereby Computing empowered to extend the time fixed in the by-law and agree of time under Mattawin ment between the town and the Mattawin Iron Mining Company's Limited, set out in Schedule D of An Act respecting Company's agreement. the Town of Fort William, 1900, for the doing of anything, or the performance of any act on the part of the company, or on the part of the corporation, so that such time shall be computed from the 30th day of October, 1901, instead of from the time of the passing of said Act respecting the Town of Fort William, 1900; and the said agreement, together with by-law No. 227, printed in said schedule, is hereby amended accordingly, and so amended shall be read as and form part of such special Act as if such amendments were incorporated therein at the time of passing of such special Act.

5. The corporation of the Town of Fort William is hereby Amending authorized to enter into the agreement set out in Schedule B agreement authorized. to this Act, amending as therein set out the agreement printed in Schedule D of said Act respecting the Town of Fort William, 1900; and the said amending agreement shall be read with and form part of the agreement set out in such Schedule D, and shall be so read and construed.

6. The said corporation is hereby declared to have had By-law No power to pass by-law No. 287 of said town, intituled "A by-287 to consolidate debt of law to consolidate the floating indebtedness of the Corporation town conof the Town of Fort William, and to provide for the issue of firmed. debentures to the amount of \$17,000 therefor" and which is fully set forth in Schedule A hereto, and said by-law is hereby declared to be a valid, legal and existing by-law of the said corporation, and all debentures issued or to be issued thereunder shall be binding upon the said corporation and the ratepayers thereof.

7. The said debentures and all monies arising therefrom Application of shall be supplied by the said corporation in the repayment of debentures. the floating debt of \$17,000 aforesaid, and in and for no other purpose whatsoever.

8. It shall be the duty of the treasurer of said town from Treasurer to time to time to keep and it shall be the duty of each of the keep account members from time to time of the municipal council of the dated debt. said corporation to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under such by-law and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said

amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures issued or to be issued under the provisions of said by-law and Act.

Indebtedness of town not discharged.

9. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Fort William of or from any indebtedness or liability which may not be included in the said floating debt of the said town.

Rights of town not prejudiced.

10. Nothing in said by-law, or the provisions of sections 4 to 7, both inclusive, of this Act, shall be held or taken in any way to prejudice the right of the said corporation to collect, realize, or enforce payment of any of the assets of said town referred to in such by-law, or any securities incidental thereto, nor to discharge any person, party, or corporation, of or from any indebtedness or liability therefor to the said corporation.

Application of proceeds of sales of town assets.

11. All monies realized by the said corporation from any of the assets of the said corporation referred to in such by-liw shall, after deducting all proper costs, charges and expenses incurred in the collection or realization of same, be credited to and applied in repayment of the debentures issued under said by-law and this Act and for no other purpose whatsoever, and at the first period thereafter for levying and raising the yearly sum of \$1,306.89 as provided in said by-law for the repayment of the principal and interest in twenty years, so much thereof only shall be raised and levied as is necessary after crediting and applying from time to time the monies aforesaid in and towards payment thereof.

Development of Kakebeka Falls water power.

12. The Corporation of the Town of Fort William is hereby empowered and authorized to develop at or near the Kakebeka Falls, on the Kaministiquia river, electrical power to the extent of 10,000 horse-power of electrical energy, and to divert such water from the Kaministiquia river above said Kakebeka Falls, as shall be necessary for such development, as well as for the purpose of a water supply for the Town of Fort William, returning so much thereof as is not used for a water supply, to the river again below said Kakebeka Falls, and for such diversion are hereby empowered to cut, dig, build and erect all dams, canals tunnels and other works and improvements necessary therefor as well as for such development.

Powers of

13. The said corporation shall have all the rights, powers town as to water supply. and privileges in respect of obtaining its water supply from the said Kakabeka Falls conferred upon said corporation by The Municipal Water Works Act, 1897 and any amending Acts thereto as fully and to the same extent as if said source of supply at or near Kakebeka Falls and all intervening lands were within ten miles of the said corporation.

- 14. The said corporation is hereby empowered and author- Power to acized to acquire, appropriate, have, hold and enjoy all lands quire lands. necessary for such development and diversion and for the works, machinery and plant in connection therewith.
- 15. Sections 3, 6, 7, 8, 9 and 10 of The Municipal Water Rev. Stat. Works Act shall be read into and form part of this Act as if c, 235, ss. 3, 6, 7, 8, 9, 10 to incorporated herein.
- 16. The said corporation may cut, dig, tunnel, make, erect Construction and maintain in and upon said lands, canals, tunnels, dams, convey water works, machinery and plant, requisite for the undertaking, as from sources well as for conveying the said electrical power or energy there- of supply. to and therefrom, in, upon, through and over any lands lying intermediate between the said source of supply and place of development and the said town, by one or more lines of poles, wires and rods as may from time to time be found necessary.

17. (1) The said corporation, and their servants under their Right to enter authority, may for the said purposes enter and pass upon and on lands. over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may erect the said poles, wires and rods through and over the same, and in, upon, through, over and under the highways, streets, lanes, roads or other passages within the said town, or lying intermediate, said place of development and the said municipality, and in, upon, through, over and under the lands and premises of any person within the said town.

- (2). All lands, not being the property of the said town, and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without delay.
- (3). The said town may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said towns may think necessary and proper for the making and maintaining of the said works, and for the purchasing of any lands required for the protection of the said works or for taking up, removing or altering the same, and for distributing such electrical power or energy to the purchasers thereof within the said town or otherwise, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same pass.
- 18. For the purpose of distributing the electrical power or Conveying energy as aforesaid, the said corporation may cut, dig and erect power through other lands. poles, wires, rods and other contrivances necessary for conveying such power and may from time to time alter all or any of the said works, as well in the position as in the construction thereof as they may consider advisable.

19. The corporation shall have, for the purposes of carry- Expropriation ing out the undertaking of developing 10,000 electrical horse tion.

power as aforesaid, or any part or parts of such power, and of conveying such power to the said Town of Fort William, all necessary powers as to entering upon and taking lands to be exercised by the said corporation in the manner, and as provided for the exercise of such powers when conferred on municipalities by The Municipal Act, and in the exercise of such powers, shall do as little damage as may be, and shall make reasonable and adequate satisfaction to the proprietors and others, whose property is entered upon, taken, or used by the corporation, or injuriously affected by the exercise of its powers, to be ascertained as provided by The Municipal Act, for like cases.

Works vested in corpora-

20. All canals, dams, tunnels, machinery plant and other works requisite for the undertaking shall likewise be vested in and be the property of the said corporation.

Power to lease or sell and to borrow money.

- 21. The said corporation is hereby empowered to lease, electric power sell and otherwise deal with such electrical power or energy with any person, party or corporation desiring same upon such terms as such corporation deems meet, and is empowered to borrow money on the credit of the municipality for carrying out and exercising the powers conferred by this Act in the same manner and subject to same provisions as if such undertaking was within the powers exerciseable by such corporation under The Municipal Act, and the said canals, dams, tunnels, machinery, plant and other works necessary for the undertaking or used in connection therewith, and also the lands acquired for the purpose thereof, and every other matter and thing connected therewith shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, canals, dams, tunnels, machinery, plant and other works, and the property appertaining thereto, for securing the payment of the debentures and interest thereon.
  - 22. The powers conferred upon the corporation hereby shall not be construed as being exhausted by any partial exercise thereof, but such powers may from time to time be exercised until the said corporation has developed electrical power to the extent of 10,000 horse power of electrical energy.

Powers to supersede those granted to Edward Spenser Jemison.

23. The rights and privileges conferred by this Act of developing electric power shall supersede and have priority over those heretofore conferred upon Edward Spencer Jemison by any Act or Acts of this Legislature, and the corporation of the Town of Fort William shall not be liable to the said Jemison for any act or thing done or authorized to be done under the provisions of this Act, except for the value of any lands the said corporation may enter upon and take heretofore patented to or purchased by the said Jemison, and in ascertaining the value of such lands and any other lands taken under the powers conferred by this Act, the said corporation shall not be charged with any enhanced value that may be claimed by reason of such lands being adjacent to or capable of being used in connection with any water power.

### SCHEDULE A.

BY-LAW NO. OF THE TOWN OF FORT WILLIAM.

A by-law to consolidate the floating indebtedness of the corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor.

Whereas the corporation of the Town of Fort William has a floating indebtedness of \$17,000.

And whereas \$9,514.02 of said floating debt has arisen by reason of expenditures from time to time being made for the improvement of roads and construction of sidewalks in said town in excess of the amounts provided therefor, and which has been carried along, accumulating from year to year as a deficit.

And whereas \$1,000 of said floating debt has been caused by the expenditure of that amount in the purchase of the site for a government post officeand customs building and unprovided for.

And whereas \$6,596.05 of said floating debt represents that amount of supposed assets of said town, which are uncollectable.

And whereas said floating debt has to be financed by a current loan from local banks from time to time at a higher rate of interest than if consolidated and debentures issued therefor, at a great loss to the corporation and the ratepayers thereof.

And whereas it is desirous to have said floating debt consolidated and debentures issued therefor, and that the legislature of the Province of Ontario should be asked to approve of and confirm same.

And whereas the said sum of \$17,000 is the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll of said town amounts to \$1,333,451.00.

And whereas the general debenture debt of the said town, exclusive of local improvements amounts to \$262,939.86 of which no part of the principal or interest thereon is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$17,000, bearing interest at four and one half per centum, per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,306.39 to be raised annually by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest as aforesaid.

Therefore the corporation of the Town of Fort William enacts as follows:—

1. It shall be lawful for the mayor of the said corporation, and he is hereby empowered, to borrow the said sum of seventeen thousand dollars on the credit of the said corporation for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$1,306.89, payable at office of the treasurer of the Town of Fort William as follows:—

Table for \$17,000 debentures payable Instalment plan:

Debenture No.	Time when Payable. • June 1st.	Interest.	Principal.	Total.
1	. 1903	\$765 00 \$	541 89	\$1,306 89
2		740 61	566 28	1,306 89
3		715 13	591 76	1,306 89
4		688 50	618 39	1,306 89
5		660 67	646 22	1,306 89
6		631 56	675 30	1,306 89
7	. 1909	601 20	705 69	1,306 89
8		569 45	737 44	1,306 89
9	. 1911	536 25	770 63	1,306 89
10	1912	501 58	805 31	1,306 89
11	1913	- 465 35	841 54	1,306 89
12	1914	. 427 47	879 42	1,306 89
13		387 90	918 99	1,306 89
14		346 55	960 34	1,306 89
15		303 33	1,003 56	1,306 89
16	1918	258 17	1,048 72	1,306 89
17	1919	210 98	1,095 91	1,306 88
18	., 1920	161 66	1,145 23	1,306 89
19		110 13	1,196 76	1,306 89
20	1922	56 27	1,250 62	1,306 89

Annual payment, \$1,306.89 (said \$1,306.89 being a sufficient yearly sum to be raised during each year of the said period of twenty years to repay said debt and interest at four and one-half per centum per annum thereon).

- 2. The said debentures shall bear date as of the first day of June, 1902, shall be signed by the mayor and treasurer thereof, and sealed with the seal of the said corporation.
- 3. During the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$1,306.89 for the payment of the said debt and interest as aforesaid.
- 4. Every debenture to be issued hereunder shall contain a provision in the following words: This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.
- 5. That the Legislature of the Province of Ontario shall be petitioned for to confirm and ratify this by-law.
  - 6. That this by-law shall come into force on the 1st day of June, 1902
- 7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 6th day of January, 1902, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows:

In Ward 1—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In Montreal Bank block, Victoria avenue, W. Newcombe, deputy returning officer.

(Sub-div. No 2-At town hall : deputy returning officer, E. S. Rutledge.

In Ward 3-At Steven's photograph gallery, deputy returning officer,

W. Palling.

In Ward 4-At court house, M. W. Bridgman, deputy returning officer. 8. That on Saturday, the 14th day of January 1902, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of a pointing in writing, signed by himself, two persons to actend at the final summing up by the town clerk of the votes pol'ed on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Saturday, the 11th day of January, 1902, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of said town will proceed to sum up the number

of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 21st day of January, 1902.

JOSHUA DYKE, Mayor. A. McNaughton, Clerk.

## SCHEDULE B.

This agreement made in duplicate this

A.D. 1902, between the Corporation of the Town of Fort William, hereinafter called the Corporation, of the First Part, and the Mattawin Iron Mining Company, Limited, hereinafter called the Company, of the Second

Whereas the parties hereto did on or about the 13th day of December, 1899, enter into the agreement providing for the granting of a bonus by the corporation to the company, for the consideration, and upon the terms and conditions set out in the said agreement which is set forth in Schedule D of An Act respecting the Town of Fort William, 1900.

And whereas the said parties have agreed each with the other, that the said agreement be varied in the manner hereinafter set out, and that in all other respects it shall be ratified and confirmed,

Now therefore this agreement witnesseth that in consideration of the premises, the said parties have, and do hereby covenant, promise and agree, each with the other in the manner following, that is to say:—

That the debentures for \$25,000 to be issued by the corporation and handed to the company, shall be handed to the company, notwithstanding anything to the contrary in said agreement, in the following manner, terms and conditions, that is to say:—

So soon as the company have smelters in operation as provided in said agreement, and have during thirty days smelted an average of at least sixty tons of copper ore, per working day of twenty-four hours as in said agreement specified, and the company shall have expended the sum of \$100,000 in the erection thereof, the corporation shall hand to the company, debentures to the extent of \$5,000, and shall, providing the company shall continue to operate said smelters as provided by paragraph three of said agreement, at the expiration of one year from the time herein provided for the delivery of the first instalment of \$5,000 of debentures, hand over a further instalment of \$5,000 of said debentures, and shall, at the expiration of each succeeding year, if the said company shall have continued to have observed and obeyed the said provisions relating to the working of the said smelters, a similar amount of debentures, until the whole of the said debenture issue of \$25,000 shall have been handed over to the said company.

Second. That the company shall pay to the corporation the sum of \$300.00 on account of expenses to which the town has been put for legislation and otherwise; and if the said sum of \$300.00 shall not have been paid by the company before the time for the handing over debentures to the amount of \$5,000 as herein provided, the corporation may deduct from the said \$5,000 of debentures, debentures to the amount of \$300.00.

Third. That except as herein amended and varied the said agreement be, and the same is hereby confirmed.



5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILI

An Act respecting the Town of Fort William, 1902.

First Reading, 1902.

(Reprinted as amended for consideration by Private Bills Committee.)

Mr. CONMEE.

T. RONTO.

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Fort William, 1902.

HEREAS the Council of the Corporation of the Town of Preamble. Fort William has by petition represented that since the incorporation of the said town various irregularities and failures to comply with the provisions of The Assessment Act have occurred in the assessing and levying of the taxes of such town, and that in consequence thereof and recent decisions of the courts the said town has had great difficulty in collecting its taxes, and has prayed that all assessment rolls of the said town heretofore revised and all collectors' rolls heretofore returned and all collectors' returns heretofore made, and all sales of lands within the said town made prior to the 1st day of January, 1901, and purporting to be for arrears of taxes should be confirmed and no objection has been made thereto by any ratepayer; and whereas the said council has further prayed by its petition that An Act Respecting the Town of Fort William, 1900, should be amended by computing the time for the performance of any act on the part of The Mattawin Iron Mining Company, Limited, under agreements set out in Schedules D and E of such Act, from the 30th day of October, 1901, instead of as therein mentioned; and whereas the said council has further represented by its petition that it has a floating indebtedness of about \$17,000 made up as set out in the by-law hereinafter mentioned, and that such by-law was duly submitted to the qualified ratepayers of said town entitled to vote thereon on the 5th day of January, 1902, and there were 273 votes polled in favor thereof and 51 votes polled against the same, and that for the reasons set forth in such by-law the said council and the ratepayers thereof deem it expedient to consolidate and issue debentures for such floating debt, and have prayed that such by-law being By-law No. 287 of the said town, intitule ! "A by-law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" (a copy of which by-law is set out in Schedule A to this Act) should be confirmed; and whereas the said council has further represented by its petition that its contract with Edward Spencer Jenison, set out in Schedule A to the Act passed in the 62nd year of the reign of Her late Majesty Queen, second session, chaptered 120, has lapsed by reason of the default of the said Jenison thereunder, and that no agreement other than that contained therein has been made or entered

into with the said Jenison, and the said town requires a water supply as well as more power to run its electric lighting and waterworks plants; and whereas it is desirable that the said town should possess the rights to develop 10,000 horse power of electric energy or power at or near Kakabeka Falls and to divert the waters of the Kaministiquia River above said falls necessary for such development, and has prayed for the special enactments in that behalf hereinafter contained; and whereas it is expedient to grant the prayer of the said petition

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment rolls confirmed.

\*\*1. All assessment rolls of said town heretofore finally revised, all collectors' rolls of the said town heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed, notwithstanding any irregularity, fault or omission in the said assessments, collector's rolls or collector's returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Tax sales confirmed.

2.—(1) All sales of land within the said town made before the 1st day of November, 1900, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessments, or any other proceedings, for imposition of any taxes so in arrear, or any failure to comply with the requirements of The Consolidated Assessment Act, 1892, or of The Assessment Act, or of any Act or Acts amending the same in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about the said sale on the part of any official of the said town, and notwithstanding anything to the contrary in any of the said Acts contained.

12 The owner of any land sold at the annual tax sale held in the year 1900, or his executors, administrators or assigns may at any time within twelve months from the passing of this Act redeem the land sold by paying or tendering to the town treasurer for the use and benefit of the purchaser or his legal representative, the sum paid by him together with ten per centum thereon; or in the event of the lands so sold having been purchased by the town by paying or tendering to

the said treasurer the full amount of the taxes due, together with the expenses of sale, and the treasurer shall give to the person paying such redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

- (3) Any lands within the said town which, at any sale for arrears of taxes heretofore have been, or hereafter may be bought in by or for the sai a town shall be liable to be assessed for and charged with payment of all debenture, local improvement, school and general rates within the said town in the same manner and to the same extent in every respect as if the said lands did not belong to a municipal corporation.
- 3. The provisions of section 1 and section 2 of this Act Existing shall not affect any action, matter or other proceeding now affected. pending, but every such action, matter or other proceeding shall be proceeded with and heard and determined as if the said sections had not been passed.

4. The Corporation of the Town of Fort William is hereby Computation empowered to extend the time fixed in the by-law and agree- of time under ment between the town and The Mattawin Iron Mining Company's pany, Limited, set ou' in Schedule D of An Act respecting agreement. the Town of Fort William, 1900, for the doing of anything, or the performance of any act on the part of the company, or on the part of the corporation, so that such time shall be computed from the 30th day of October, 1901, instead of from the time of the passing of An Act respecting the Town of Fort William, 1900: and the said agreement, together with by-law No. 227, printed in said schedule, is hereby amended accordingly, and as so amended shall be read as and form part of such special Act as if such amendments were incorporated therein at the time of passing of such special Act.

5. The Corporation of the Town of Fort William is hereby Amending authorized to enter into the agreement set out in Schedule. B agreement authorized. to this Act, amending as therein set out the agreement printed in Schedule D of An Act respecting the Town of Fort William, 1900; and the said amending agreement shall be read with and form part of the agreement set out in such Schedule D, and shall be so read and construed.

6. The said corporation is hereby declared to have had By-law No. 287 to consolipower to pass by-law No. 287 of said town, intituled "A by-date debt of law to consolidate the floating indebtedness of the Corporation town confirmed. of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" and which is fully set forth in Schedule A hereto, and said by-law is hereby declared to be a valid, legal and existing by-law of the said corporation, and all debentures issued or to be issued thereunder shall be binding upon the said corporation and the ratepayers thereof.

Application of debentures.

7. The said debentures and all monies arising therefrom shall be applied by the said corporation in the repayment of the floating debt of \$17,000 aforesaid, and in and for no other purpose whatsoever.

Treasurer to keep account of consolidated debt.

8. It shall be the duty of the treasurer of said town from time to time to keep and it shall be the duty of each of the members from time to time of the municipal council of the said corporation to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under such by-law and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures issued or to be issued under the provisions of the said by-law and this Act.

Indebtedness of town not discharged. 9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Fort William of or from any indebtedness or liability which may not be included in the said floating debt of the said town.

Rights of town not prejudiced.

10. Nothing in the said by-law, or the provisions of sections 6 to 9, both inclusive, of this Act, shall be held or taken in any way to prejudice the right of the said corporation to collect, or realize by process of law or otherwise, any of the assets of the said town referred to in such by-law, or any securities incidental thereto, nor to discharge any person, party, or corporation, of or from any indebtedness or liability therefor to the said corporation.

Application of proceeds of sales of town assets.

- 11. All monies realized by the said corporation from any of the assets of the said corporation referred to in such by-law shall, after deducting all proper costs, charges and expenses incurred in the collection or realization of the same, be credited to and applied in repayment of the debentures issued under the said by-law and this Act and for no other purpose whatsoever, and at the first period thereafter for levying and raising the yearly sum of \$1,306.89 as provided in the said by-law for the repayment of the principal and interest in twenty years, so much thereof only shall be raised and levied as is necessary, after crediting and applying from time to time the monies aforesaid in and towards payment thereof.
- \*\*12. Notwithstanding anything in *The Municipal Act* contained the by-laws numbered 273 and 274 of the said Town

of Fort William shall not be deemed to be invalid or illegal, nor shall the debentures issued or to be issued under the said by-laws, or either of them, be invalid or illegal by reason of the said by-laws or either of them containing a provision that the debentures issued thereunder shall be payable "after the expiration of 20 years," instead of in accordance with the terms of The Municipal Act, and the said debentures shall be read and construed as though they were made payable within twenty years from the passing of the said by-law.

13. The Corporation of the Town of Fort William is hereby Development empowered and authorized to develop at or near the Kakebeka of Kakebeka Fals water Falls, on the Kaministiquia river, electrical power to the extent power. of 10,000 horse-power of electrical energy, and for such purpose to create by storage dams or other necessary works reservoirs at or near Shebandowan Lake at the head of the Shebandowan River and at or near Dog Lake at the head of the Kaministiquia River or at any other points on said river or other rivers or lakes emptying into the Kaministiquia River above said falls, and to divert such water from the Kaministiquia river above said Kakebeka Falls, as shall be necessary for such development, returning the same to the river again above or below said Kakebeka Falls, and for such diversion are hereby empowered to cut, dig, build and erect all dams, canals, tunnels and other works and improvements necessary therefor as well as for such development.

14. The said corporation is hereby empowered and author- Power to acized to acquire, appropriate, have, hold and enjoy all lands quire lands. necessary for such development and diversion and for the works, machinery and plant in connection therewith.

- 15. Sections 3, 6, 7, 8, 9 and 10 of The Municipal Water Rev. Stat. Works Act shall be read into and form part of this Act as if c. 235, ss. 3, 6, works Act shall be read into and form part of this Act as if 7, 8, 9, 10 to incorporated herein. apply.
- 16. The said corporation may cut, dig, tunnel, make, erect Construction and maintain in and upon said lands, canals, tunnels, dams, of works to works, machinery and plant, requisite for the undertaking, as from sources well as for conveying the said electrical power or energy there- of supply. to and therefrom, in, upon, through and over any lands lying intermediate between the said source of supply and place of development and the said town, by one or more lines of poles, wires and rols as may from time to time be found necessary.

17.-(1) The said corporation, and their servants under their Right to enter authority, may for the said purposes enter and pass upon and on lands. over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may erect the said poles, wires and rods through and over the same, and in, upon, through, over and under the highways, streets, lanes, roads or

other passages within the said town, or lying intermediate, said place of development and the said municipality, and in, upon, through, over and under the lands and premises of any person within the said town.

- (2). All lands, not being the property of the said town, and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without delay.
- (3). The said town may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said town may think necessary and proper for the making and maintaining of the said works, and for the purchasing of any lands required for the protection of the said works or for taking up, removing or altering the same, and for distributing such electrical power or energy to the purchasers thereof within the said town or otherwise, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same pass.

Conveying power through other lands.

18. For the purpose of distributing the electrical power or energy as aforesaid, the said corporation may cut, dig and erect poles, wires, conduits and other contrivances necessary for conveying such power and may from time to time alter all or any of the said works, as well in the position as in the construction thereof as they may consider advisable.

and arbitrati-n.

Expropriation 219. The corporation shall have, for the purposes of carrying out the undertaking of developing 10,000 electrical horse power as aforesaid, or any part or parts of such power, and of conveying such power as said Town of Fort William may desire, all necessary powers as to entering upon and taking lands to be exercised by the said corporation in the manner, and as provided for the exercise of such powers when conferred by The Municipal Act and by section 20 of The Railway Act, and in the exercise of such powers, shall do as little damage as may be, and shall make reasonable and adequate satisfaction to the proprietors and others, whose property is entered upon, taken, or used by the corporation, or injuriously affected by the exercise of its powers, to be ascertained as provided by The Municipal Act, for like cases.

Works vested in corporations.

20. All canals, dams, tunnels, machinery plant and other works requisite for the undertaking shall likewise be vested in and be the property of the said corporation.

Power to lease or sell money.

21. The said corporation is hereby empowered to lease, electric power sell and otherwise deal with such electrical power or energy and to borrow with any person, party or corporation desiring same upon such terms as such corporation deems meet, and is empowered to borrow money on the credit of the municipality for carrying out and exercising the powers conferred by this Act in the same manner and subject to same provisions as if such undertaking was within the powers exerciseable by such corporation under The Municipal Act, and the said canals, dams, tunnels, machinery, plant and other works necessary for the undertaking or used in connection therewith, and also the lands acquired for the purpose thereof, and every other matter and thing connected therewith shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, canals, dams, tunnels, machinery, plant and other works, and the property appertaining thereto, for securing the payment of the debentures and interest thereon.

22. The powers conferred upon the corporation hereby Partial exershall not be construed as being exhausted by any partial exercise of powers. cise thereof, but such powers may from time to time be exercised until the said corporation has developed electrical power to the extent of 10,000 horse power of electrical energy.

23. The rights and privileges conferred by this Act or by Certain Acts any lease or grant by the Crown to the said corporation or repealed. both shall supersede and have priority over those of the said Edward Spencer Jenison, whether conferred by any Act or Acts of this Legislature or otherwise, and all and every Act or Acts of the Legislature conferring any right or privilege upon the said Edward Spencer Jenison is and are hereby repealed; and the Corporation of the Town of Fort William shall not be liable to the said Jenison for any act done or Compensation authorized to be done under the provisions of this Act except for the reasonable value of such lands as the corporation may enter upon and take, heretofore patented or purchased by the said Jenison, as shall be utilized by the corporation, and for the reasonable value of such plans and surveys and such other work done by the said Jenison as the said corporation shall wish and are able to take advantage of. In arriving at the value of such plans, surveys and other work, the amount of power to be developed by the corporation compared with the amount proposed to be developed by the said Jenison shall be considered.

24. The compensation to be paid as aforesaid shall be as- Arbitraticn. certained and determined in the manner provided by section 20 of The Railway Act of Ontario, all the provisions of which section are hereby incorporated with and made part of this Act; and the said Town of Fort William shall have the right, for the purpose of constructing, maintaining and operating the said works to exercise the powers conferred by the said section 20 upon any railway company to which the provisions of

the said section may be applicable, and the said town shall be subject to all the liabilities imposed by the said section upon any such company and generally the several subsections of the said section 20 shall be read as a part of this Act with the several amendments necessary to make the same applicable to the said town and the said works instead of to a railway company as its railway, and in any arbitration under the provisions thereof, the arbitrators shall not make any allowance to the said Jenison in the respect of any right to generate electrical power or to supply water or in respect of his franchises therefor or for prospective profits.

Agreement with Kakabeka Falls Company ratified. A.D. 1902, between the Municipality of Fort William and The Kakabeka Falls Land and Electric Company, Limited, upon which is indorsed the signature of the Chairman of the Private Bills Committee, is hereby declared to be valid and of the same effect in all respects as though it were a part of this Act.

Request of Port Arthur.

w26.—(1) The Corporation of the Town of Fort William shall upon request from the Corporation of the Town of Port Arthur, supply the said corporation, and the said corporation shall be entitled to obtain surplus electric power or energy for municipal, domestic, commercial or other purposes over and above the amount from time to time required by the said Town of Fort William for any purpose at such prices and upon such terms and conditions as may be agreed upon by the said corporations, or in default of agreement, as may be settled and determined by the Lieutenant-Governor in Council.

Referred to Lieutenant Gove nor in Council.

(2) In case the Corporation of the Town of Fort William has not developed sufficient surplus electric power or energy over and above the amount from time to time required by said town for any purpose to supply the demand of Port Arthur for all or any of the purposes afore aid, the Corporation of the Town of Port Arthur shall be entitled from time to time to apply to the Lieutenant Governor in Council for an order or direction, that the Corporation of the Town of Fort William develop further electric power or energy, and the said Corporation shall develop such further electric power or energy, not exceeding the whole amount authorized, upon such terms and conditions as the Lieutenant Governor in Council may determine and supply the surplus thereof over and above the amount from time to time required by said town for any purpose to the extent asked by Port Arthur at such prices and upon such terms and conditions as may be agreed upon between the said corporations or in default of agreement as the Lieutenant Governor in Council may fix and determine.

- commence the work of construction hereby authorized before the expiration of two years after the thirtieth day of October, 1902, or shall not have developed power for the purposes of the Town of Fort William before the expiration of three years from said date, then the Town of Port Arthur may upon paying the Town of Fort William the amount of money the said Town of Fort William shall have expended in respect of this legislation and of any arbitration or other proceedings had or taken thereunder, or otherwise in connection therewith and the value of plans, surveys, works, land and other properties done or owned by the said Town of Fort William in connection with the said development, such value in case of disagreement to be arrived at by arbitration as provided by this Act; develop such powers under the terms and conditions now conferred and imposed upon the Town of Fort William.
- making default and the Town of Port Arthur becoming entitled to develop power hereunder, the said Town of Port Arthur or its assigns shall commence the work of construction within two years after obtaining such rights and the possession of such lands and properties and shall complete the development of power as required in the case of the Town of Fort William within three years after obtaining such rights and the possession of such lands and properties as aforesaid, and in default thereof the powers of development conferred by this Act upon the Town of Port Arthur shall cease and determine.
- ■29. In case power is developed by the Town of Port Arthur or its assigns, then the Town of Fort William shall be entitled to, and have the benefit of all provisions of this Act conferring any right or privilege upon the Town of Port Arthur.
- \*30. The plans for the development of the water power and the construction of the works, as provided in this Act, shall be subject to the approval of the Commissioner of Crown Lands, and the same shall be submitted to the Commissioner of Crown Lands and be approved of by him before the work of construction is commenced.
- formerly divertible by the said Edward Spencer Jenison, as provided in the statutes of the Province of Ontario, known as 62 Victoria, Chapter 120, being left to flow over the Kabakeka Falls on the said river; or in the event of the waters of the id river, if intersected at the Ecarte Rapids, being returned the river above the said Kabakeka Falls, the rights of Port Arthur and of Fort William to acquire or be supplied

with electric power or energy to the extent of 10,000 horse power, shall continue in and apply to the said water power at the said Kabakeka Falls, and shall be entitled to such supply from any corporation, person or company developing or utilizing the same on the terms provided in clause 26 of this Act and in case of development of the said power by the Town of Port Arthur under the provisions of this Act the said town shall return the said water to the said river above the Kabakeka Falls.

\*\*32 The Town of Port Arthur shall have the same rights, powers and privileges of assigning or transferring the rights, powers and privileges, or any of them, granted it by this Act, as is by this Act conferred upon the Corporation of the Town of Fort William.

William or the Corporation of the Town of Fort William or the Corporation of the Town of Port Arthur assigning the rights, properties, powers and privileges granted it by this Act, to any person, company or corporation, such person, company or corporation shall not, directly or indirectly discriminate between the said towns in selling or disposing of electric power or energy, or in the granting of rights and privileges, but such person, company or corporation shall grant equal privileges to the said towns, and sell and dispose of electric power and energy to the said towns on terms equally favorable, having regard to the difference in mileage required to deliver such power, and such person, company or corporation shall supply the same on the terms aforesaid.

## SCHEDULE A.

BY-LAW NO. 287 OF THE TOWN OF FORT WILLIAM.

A by-law to consolidate the floating indebtedness of the corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor.

Whereas the corporation of the Town of Fort William has a floting indebtedness of \$17,000.

And whereas \$9,514.02 of said floating debt has arisen by reason of expenditures from time to time being made for the improvement of roads and construction of sidewalks in said town in excess of the amounts provided therefor, and which has been carried along, accumulating from year to year as a deficit.

And whereas \$1,000 of said floating debt has been caused by the expenditure of that amount in the purchase of the site for a government post officeand customs building and unprovided for.

And whereas \$6,596.05 of said floating debt represents that amount of supposed assets of said town, which are uncollectable.

And whereas said floating debt has to be financed by a current loan from local banks from time to time at a higher rate of interest than if consolidated and debentures issued therefor, at a great loss to the corporation and the ratepayers thereof.

And whereas it is desirous to have said floating debt consolidated and debentures issued therefor, and that the legislature of the Province of Ontario should be asked to approve of and confirm same.

And whereas the said sum of \$17,000 is the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll of said town amounts to \$1,333,451.00.

And whereas the general debenture debt of the said town, exclusive of local improvements amounts to \$262,939.86 of which no part of the principal or interest thereon is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$17,000, bearing interest at four and one half per centum, per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,306.89 to be raised annually by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest as aforesaid.

Therefore the corporation of the Town of Fort William enacts as follows:-

1. It shall be lawful for the mayor of the said corporation, and he is hereby empowered, to borrow the said sum of seventeen thousand dollars on the credit of the said corporation for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$1,306.89, payable at office of the treasurer of the Town of Fort William as follows:—

Table for \$17,000 debentures payable Instalment plan:

Debenture	Time when			
Debenture No.	Payable.	Interest.	Principal.	Total.
	June 1st.			
1	. 1903	\$765 00	\$ 541 89	\$1,306 89
2		740 61	566 28	1,306 89
3		715 13	591 76	1,306 89
4		688 50	618 39	1,306 89
5		660 67	646 22	1,306 89
6		631 59	675 30	1,306 89
7		601 20	705 69	1,306 89
8		569 45	737 44	1.306 89
		536 26	770 63	1,306 89
9		501 58		,
10			805 31	
11		465 35	841 54	1,306 89
12	. 1914	427 47	879 42	1,306 89
13	1915	387 90	918 99	1,306 89
14	. 1916	346 55	960 34	1,306 89
15	. 1917	303 33	1,003 56	1,306 89
16		258 17	1,048 72	1,306 89
17		210 98	1,095 91	1,306 88
18		161 66	1,145 23	1,306 89
19		110 13	1,196 76	1,306 89
20		56 27	1,250 62	1,306 89
			,	,

Annual payment, \$1,306.89 (said \$1,306.89 being a sufficient yearly sum to be raised during each year of the said period of twenty years to repay said debt and interest at four and one-half per centum per annum thereon).

- 2. The said debentures shall bear date as of the first day of June, 1902, shall be signed by the mayor and treasurer thereof, and sealed with the seal of the said corporation.
- 3. During the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$1,306.89 for the payment of the said debt and interest as aforesaid.
- 4. Every debenture to be issued hereunder shall contain a provision in the following words: This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.
- 5. That the Legislature of the Province of Ontario shall be petitioned for to confirm and ratify this by-law.
  - 6. That this by-law shall come into force on the 1st day of June, 1902
- 7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 6th day of January, 1902, commencing at nine o'clock in the morning and c'osing at the hour of five o'clock in the afternoon of the same day, as follows:

In Ward 1—At J. W. Robertson's house; deputy returning officers J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In Montreal Bank block, Victoria avenue, W. Newcombe, deputy returning officer.

(Sub-div. No 2-At town hall: deputy returning officer, E. S. Rutledge.

In Ward 3—At Steven's photograph gallery, deputy returning officer, W. Palling.

- In Ward 4—At court house, M. W. Bridgman, deputy returning officer. 8. That on Saturday, the 14th day of January 1902, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of a pointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.
- 9. That on Saturday, the 11th day of January, 1902, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 21st day of January, 1902.

Joshua Dyke,
Mayor.
A. McNaughton,
Clerk.

### SCHEDULE B.

This agreement made in duplicate this day of A.D. 1902, between the Corporation of the Town of Fort William, hereinafter called the Corporation, of the First Part, and the Mattawin Iron Mining Company, Limited, hereinafter called the Company, of the Second Part.

Whereas the parties hereto did on or about the 13th day of December, 1899, enter into the agreement providing for the granting of a bonus by the corporation to the company, for the consideration, and upon the terms and conditions set out in the said agreement which is set forth in Schedule D of An Act respecting the Town of Fort William, 1900.

And whereas the said parties have agreed each with the other, that the said agreement be varied in the manner hereinafter set out, and that in all other respects it shall be ratified and confirmed,

Now therefore this agreement witnesseth that in consideration of the premises, the said parties have, and do hereby covenant, promise and agree, each with the other in the manner following, that is to say:—

First. That the debentures for \$25,000 to be issued by the corporation and handed to the company, shall be handed to the company, notwithstanding anything to the contrary in said agreement, in the following manner, terms and conditions, that is to say:—

So soon as the company have smelters in operation as provided in said agreement, and have during thirty days smelted an average of at least sixty tons of copper ore, per working day of twenty-four hours as in said agreement specified, and the company shall have expended the sum of \$100,000 in the erection thereof, the corporation shall hand to the company, debentures to the extent of \$5,000, and shall, providing the company shall continue to operate said smelters as provided by paragraph three of said agreement, at the expiration of one year from the time herein provided for the delivery of the first instalment of \$5,000 of debentures, hand over a further instalment of \$5,000 of said debentures, and shall, at the expiration of each succeeding year, if the said company shall have continued to have observed and obeyed the said provisions relating to the working of the said smelters, a similar amount of debentures, until the whole of the said debenture issue of \$25,000 shall have been handed over to the said company.

Second. That the company shall pay to the corporation the sum of \$300.00 on account of expenses to which the town has been put for legislation and otherwise; and if the said sum of \$300.00 shall not have been paid by the company before the time for the handing over debentures to the amount of \$5,000 as herein provided, the corporation may deduct from the said \$5,000 of debentures, debentures to the amount of \$300.00.

Third. That except as herein amended and varied the said agreement be, and the same is hereby confirmed.





5th Session, 9th Legislature, 2 Edward VII., 1902.

# TTT

An Act respecting the Town of Fort William, 1902.

First Reading, 12th March, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. CONMEE.

TORONTO.

PRINTED BY L. K. CAMBRON,

Printer to the King's Most Excellent Majesty.

An Act respecting The Sao Paulo Tramway, Light and Power Company, Limited.

WHEREAS by letters patent under the Great Seal of the Preamble.
Province of Ontario dated the 7th day of April, A.D.
1899, The Sao Paulo Railway, Light and Power Company,
Limited, was duly incorporated; and whereas by order of the
Lieutenant-Governor-in-Council dated the 13th day of December A.D. 1899, the corporate name of the said company was changed to the corporate name of The Sao Paulo Tramway
Light and Power Company, Limited; and whereas by its petition the said company has prayed that it may be authorized
to issue and dispose of certain preference stock and that a certain issue of first mortgage bonds made by the company and the mortgage securing the same may be confirmed; and whereas it is expedient to grant the prayer of the said petition:

15 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, nacts as follows:

If authorized by resolution of the shareholders present in Preferred person or represented by proxy at a special general meeting of stock.
 the company duly called for considering the same, passed by

- the company duly called for considering the same, passed by the vote of shareholders representing three-fourths of the outstanding capital stock of the company, the directors, by resolution may from time to time issue as preferred stock of the capital of the company and sell and dispose thereof as fully 25 paid shares at such premium or discount as they may deem best, ten thousand shares of \$100 each, giving the same such preference and priority as respects dividends and otherwise, over the ordinary stock as may be declared by said resolution and the authorized capital of the company shall thereby be and 30 become increased by the amount of preference stock so issued from time to time;
- (a). The said resolution may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or it may 34 give them such other control over the affairs of the company as may be considered expedient;
  - (b). The said resolution may also provide for the redemption or purchase or acquisition by the company of said prefer-

ence stock, and for the cancellation or re-issue thereof at such time and on such terms and conditions as may be deemed expedient;

Mortgage to National Trust Co. confirmed. 2. The mortgage dated the 29th day of July A.D. 1901, made by The Sao Paulo Tramway, Light and Power Company, 5 Limited, to The National Trust Company, Limited, trustee, a copy of which has been deposited in the office of the Provincial Secretary of the Province of Ontario, securing an issue of bonds of the company amounting to \$6,000,000, and the said bond issue are hereby confirmed and declared to be valid and 10 binding.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting The Sao Paulo Tramway, Light and Power Co., Limited.

First Reading, 1902.

(Private Bill.)

Mr. Gross.

TORONIO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act respecting The Sao Paulo Tramway, Light and Power Company, Limited.

WHEREAS by letters patent under the Great Seal of the Preamble. Province of Ontario dated the 7th day of April, A.D. 1899, The Sao Paulo Railway, Light and Power Company, Limited, was duly incorporated; and whereas by order of the Lieutenant-Governor-in-Council dated the 13th day of December, A.D. 1899, the corporate name of the said company was changed to the corporate name of The Sao Paulo Tramway Light and Power Company, Limited; and whereas by its petition the said company has prayed that it may be authorized to issue and dispose of certain preference stock and that a certain issue of first mortgage bonds made by the company and the mortgage securing the same may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. If authorized by resolution of the shareholders present in Preferred person or represented by proxy at a special general meeting of stock. the company duly called for considering the same, passed by the vote of shareholders representing three-fourths of the outstanding capital stock of the company, the directors, by resolution may from time to time issue as preferred stock of the capital of the company and sell and dispose thereof, ten thousand shares of \$100 each, giving the same such preference and priority as respects dividends and otherwise, over the ordinary stock as may be declared by said resolution and the authorized capital of the company shall thereby be and become increased by the amount of preference stock so issued from time to time:

- (a). The said resolution may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or it may give them such other control over the affairs of the company as may be considered expedient;
- (b). The said resolution may also provide for the redemption or purchase or acquisition by the company of said preference stock, and for the cancellation and absolute extinguish-

ment thereof at such time and on such terms and conditions as may be deemed expedient;

Mortgage to National Trust Co. confirmed. 2. The mortgage dated the 29th day of July A.D. 1901, made by The Sao Paulo Tramway, Light and Power Company, Limited, to The National Trust Company, Limited, trustee, a copy of which has been deposited in the office of the Provincial Secretary of the Province of Ontario, securing an issue of bonds of the company amounting to \$6,000,000, and the said bond issue are hereby confirmed and declared to be valid and binding.



# BILL.

An Act respecting The Sao Paulo Tram-way, Light and Power Co., Limited.

First Reading,

1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Gross.

TORONTO:

Printer to the King's Most Excellent Majesty PRINTED BY L. K. CAMERON, An Act to legalize certain By-laws and Debentures of the Township of Orford and the Village of Dutton in aid of The Lake Erie and Detroit River Railway Company, and to ratify and confirm certain agreements made between the said Municipalities and the said Railway Company in respect thereof.

WHEREAS the municipal corporation of the Township of Presmble. Orford and the Village of Dutton have petitioned that an Act may be passed to validate and confirm certain by laws of the said municipal corporations relating to bonuses to The 5 Lake Erie and Detroit River Railway Company; and to authorize the issue of debentures for the payment of said bonuses; and further to ratify and confirm certain agreements entered into between the said railway company and the said municipal corporations respectively; and whereas the said 10 railway company has joined the said municipal corporations in requesting that an act be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petitions;

Therefore His Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 253, as amended by By-law No. 284, of the By-law No. municipal corporation of the Township of Orford, set forth in 253 of Township of Orford Schedules A and B to this Act, is confirmed, and declared confirmed. 20 legal, valid and binding upon the said municipal corporation of the Township of Orford and the ratepayers thereof; and the said municipal corporation of the Township of Orford is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No.

25 253, and to do all acts necessary for the full and proper carrying out of said By-law No. 253 aforesaid.

2. The agreements between the municipal corporation of the Agreements Township of Orford and the said railway company, set forth between the Township of in Schedules C and D to this Act, are ratified and con-Orford and 30 firmed, and declared to be legal, valid and binding upon the company confirmed. parties thereto.

By-law of the Village of Dutton confirmed.

3. By-law No. 93 of the municipal corporation of the Village of Dutton, set forth as Schedule E to this Act, is confirmed, and declared legal, valid and binding upon the said municipal corporation of the Village of Dutton and the ratepayers thereof; and the said municipal corporation of the 5 Village of Dutton is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No. 93, and to provide for the payment thereof in the manner provided by said last mentioned by law, and to do all acts necessary for the full and proper carrying out of 10 said last mentioned by-law.

Agreement berailway company con-firmed.

4. The agreement between the municipal corporation of the tween Village Village of Dutton and the said railway company, set forth in Schedule F to this Act, is ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto. 15

Rates levied by municipalities legalized and confirm d.

5. All rates heretofore levied or hereafter to be levied by the said municipal corporations respectively under said by-law respectively, are declared legal, and are hereby ratified and confirmed, and the said municipal corporations respectively are authorized to levy such further rates as may be necessary 20 in pursuance of said by-laws respectively.

### SCHEDULE A.

LAKE ERIE AND D. R. R. WAY.

By-Law No: 253.

- A By-law to provide for aiding and assisting the Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Township of Orford, in the County of Kent.
- 1. Whereas resident freeholders of the Township of Orford have petitioned the council of the said township to pass a by-law to be submitted to the duly qualified electors of the said township granting a bonus to the said railway company of two thousand dollars upon the terms and conditions in said petition more particularly set forth.
- 2. And whereas it is necessary for the municipal corporation of the said township, in order to provide the said sum of two thousand dollars, to issue a debenture of the corporation of the said township for the said amount, and to provide for the payment of the same, and of the interest thereon, in the manner hereinafter mentioned.
- 3. And whereas the amount of the whole rateable property of the said municipal corporation of the said township, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, is one million four hundred and forty thousand and seven hundred dollars;
- 4. And whereas the amount of the existing debenture debt of the said corporation is six thousand six hundred and twelve dollars and eighty-

nine cents, and there is no part of the principal or interest thereon due or in arrears.

- 5. And whereas it will require the sum of two hundred and forty-seven dollars and eighty cents to be raised annually for a period of ten years, the currency of the debenture to be issued under and by virtue of this bylaw, to pay the principal and interest on the said debenture (to be raised annually during the said period for the forming of a sinking-fund for payment of the debenture) so to be issued under this By-law.
- 6. And whereas it is necessary that said annual sum of two hundred and forty seven dollars and eighty cents shall be raised and levied in each year during the period of ten years by a special rate sufficient therefor on all the rateable property in the said municipal corporation.

Be it therefore enacted by the municipa' corporation of the township of Orford

- 1. That it shall and may be lawful for the said corporation of the said township to assist the said railway company by giving thereto by way of free grant or bonus, a debenture of the said corporation for the sum of two thousand dollars (or its equivalent thereof) upon the terms and conditions hereinafter mentioned.
- 2. It shall be lawful for the said municipal corporation, for the purpose aforesaid, to borrow the sum of two thousand dollars, and to issue a debenture of the said municipality to the amount of two thousand dollars, bearing interest at the rate of four per cent per annum, payable in the manner, for the amounts, and at the times hereinafter set forth.
- 3. The said debenture shall be payable within ten years from the day on which this by law shall take effect, and shall bear interest at the rate of four per cent per annum from the date thereof, which said interest shall be paid yearly on the first day of January, after 1899, in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of interest; said debenture to be sealed with the seal of the said municipality and signed by the reeve and the treasurer.
- 4. Said debenture (or the said sum of two thousand dollars) shall within six months after the final passing of this by-law be delivered by the reeve of the said Township of Orford to three trustees; one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust and shall be deposited by them at the agency of the Molsons Bank in the (Town of Ridgetown, Ontario).
- 5. The said debenture (or the said sum of two thousand dollars) shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by-law.
- 6. There shall be raised and levied in each year for ten years the currency of the debenture to be issued under the authority of this by-law by a special rate sufficient therefor on all rateable property of the raid township, over and above and in addition to all other rates and taxes, the sum of two hundred and forty-seven dollars and eighty cents for the payment of principal and interest on said debenture (to be raised annually as aforesaid).
- 7. The railway shall be constructed through the said Township of Orford, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said township (and shall build two respectable stations therein and said trains stopping at same) and so long as excursion tickets are issued on Saturdays to St. Thomas and London, the same shall be issued to and from the said company's stations at Highgate and Duart in the said township. And the railway company shall after the completion of the extension of their said railway from the Town of Ridgetown in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debentures above

mentioned, supply to the corporation of the said township gravel from their (gravel) pits when the same may be required, at the rate of ten dollars per car of fifteen yards

- 8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said township.
  - 9. This by-law shall take effect on the day of the final passing thereof.
- 10. The votes of the duly qualified electors of the said township (above described) shall be taken on this by-law by the depupty returning officers hereinafter named, on Thursday, the 10th day of November, A.D. 1898, commencing at the hour of nine o'clock in the forencon and continuing until the hour of five o'clock in the afternoon of the same day at the undermentioned places.
  - No. 1, Town Hall, Clearville; Walter S. Backus, D.R.O.

  - No. 2, McArthur Hall, Duart; Robert Currie, D.R.O. No. 3, Normal School House, Sec. 9; Robert A. Spence, D.R.O. No. 4, Henderson's School House, No. 10; R. F. Dickens, D.R.O. No. 5, Town Hall, Highgate; Geo. E. Lee, D.R.O. No. 6, Temperance Hall, Palmyra; Daniel Cameron, D.R.O.
- 11. That on Saturday, the 12th day of November, A.D. 1898, at the hour of ten o'clock in the forenoon, at the township hall in the said township, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the Township clerk, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.
- 12. The clerk of the said township shall on Saturday, the 12th day of November, A.D., 1898, at the hour of twelve o'clock noon, at his office at Highgate, in the said township, sum up the number of votes given for and against this by-law and declare the same.

[L. S.] (Sgd.) HENRY WATSON, Jos. HORNAL, Clerk. Reeve.

I, Henry Watson, Clerk of the municipality of the Township of Orford, do hereby certify the foregoing to be a true copy of By-law No. 253, passed by the municipal corporation of the said township on the 15th day of December, 1898.

Given under my hand and seal of the said municipal corporation this 12th day of December, 1901.

HENRY WATSON, L.S. Clerk.

### SCHEDULE B.

By-law No. 284.

By-law to amend By-law 253, regarding a bonus granted to The Lake Erie and Detroit River Railway Co. for the sum of \$2,000.

Whereas, By-law No. 253 was passed by the council of the Township of Orford and duly voted upon by the ratepayers on the 10th day of November, A.D. 1898, and duly carried, to give certain aid to The Lake Erie and Detroit River Railway Company;

And whereas the said by-law was duly and finally passed by the council of the Township of Orford on the fifteenth day of December, A.D. 1898; but in finally passing the said by-law certain clerical errors occurred which is desirable to be rectified;

Be it therefore enacted by the said council that the said By-law No. 253 be and the same is hereby amended as follows:-

- 1. In preamble of said by law as published in the Highgate Monitor under date of November 3rd, 1898, clause 5 is amended by striking out the words "eighty cents" and inserting therein the words "eight cents." In the same clause, by striking out after the word "debenture" "to be raised annually during the said period for the forming of a sinking fund for payment of the debenture"
- 2. In clause 6 the sum of "eight cents" should be inserted instead of "eighty cents."
- 3. In the body of the by-law sec. 1, by striking out "or its equivalent thereof."
- 4. In the third clause insert after the word "payment" the words "of principal and."
- 5. After "debenture" in sec. 4 by striking out the words "or the said sum of two thousand dollars." In the same clause insert the words "City of St. Thomas" instead of "Ridgetown."
- 6. In sec. 5 by striking out the words "or the said sum of two thousand dollars."
- 7. In sec. 6 by striking out the words "eighty cents" and insert therein "eight cents" instead.
- 8. In clause 7 by striking out the words after "and" "shall build two respectable stations therein and said trains stopping at same"; also strike out the word "gravel" before pits; also strike out the word "ten" and and insert "four" before dollars.
  - 9. In sec. 10 by striking out the words "above described."
- 10. In sec. 11, by striking out "twelfth day" and insert therein "fifth day."

Passed this 11th day of September by the said council of Orford in council assembled at Highgate, Ont.

(Sgd.) HENRY WATSON,

(Sgd.) ANGUS GILLANDERS,

[Seal]

Clerk.

Reeve.

I, Henry Watson, clerk of the municipality of the Township of Orford, do hereby certify the foregoing to be a true copy of By-law No. 284, passed by the municipal corporation of the said Township on the 11th day of September, 1901.

Given under my hand and seal of the said municipal corporation this 12th day of December, 1901.

[L. S.]

(Sgd.)

HENRY WATSON, Clerk.

#### SCHEDULE C.

This agreement made this \_\_\_\_\_\_ day of May, A.D. 1900. Between:
The Corporation of the Township of Orford, hereinafter called "The
Corporation," of the one part, and The Lake Erie and Detroit River
Railway Company, hereinafter called "The Company," of the other
part.

Whereas by a By·law of the corporation, No. 253, passed on the 15th day of December, 1898, the corporation agreed in consideration for certain benefits to be derived by them from the building of an extension of the company's railway from Ridgetown to St. Thomas to grant the company a bonus of two thousand dollars.

And whereas for good and sufficient reason the work of the said extension has been so delayed that it will be impossible for the same to be completed within the time limited by the said by-law.

Now this agreement witnesseth that in pursuance of a resolution of the municipal council of the corporation, duly passed on the 18th day of May, 1900, by virtue of the power given them by the said by-law, the corporation have agreed to and do hereby extend the time for the completion of the said railway extension as aforesaid to the first day of July, 1901, and the corporation and the company mutually agree that the said by-law shall in all other respects remain in full force and be binding on each of them.

In witness whereof the parties hereto have caused their corporate seals to be affixed hereto.

(Sgd.)

GEO. GOSNELL,

Reeve.

(Seal.)
Witness,

S. H. FOSTER.

HENRY WATSON, Clerk.

### SCHEDULE D

### ARTICLES OF AGREEMENT.

Between: The Corporation of the Township of Orford, hereinafter called "The Corporation," of the one part; and The Lake Erie and Detroit River Railway Company, hereinafter called "The Company," of the other part.

Whereas pursuant to the provisions of the Municipal Act in that behalf, the council of the said corporation submitted to the ratepayers of the said corporation a by-law for aiding and assisting the company, and for issuing a debenture in the sum of two thousand dollars to be given by way of bonus to the company, to assist in extending the company's railway from the Town of Ridgetown to the City of St. Thomas, through the said corporation.

And whereas the said by-law was duly carried by the votes of the said ratepayers, and was afterwards, namely, on the 15th day of December, 1898, duly passed by the council of the said corporation, but in the copying of the said by-law for such final passing, certain clerical errors occurred which the council of the said corporation assumed to correct by By-law Number 284, passed on the 11th day of September, 1901.

And whereas subsequently, and pursuant to the power in that behalf contained in the said by-law, the said corporation, by agreement dated the 18th day of May, 1900, extended the time for the completion of the said railway to the first day of July, 1901.

And whereas the said railway was duly completed and in running order before the first day of July, 1901, and the company are entitled to the said bonus.

And whereas in and by said by-law it was provided that the said debenture, within six months after the final passing thereof, should be delivered to certain trustees to be held by them, in trust, until the completion of the said railway, and to be then delivered to the said company.

And whereas through inadvertence the corporation omitted to deliver the said debenture within the time aforesaid, and now wish to deliver the same to the company, but are in doubt as to their power to do so.

And whereas lest any question should arise hereafter it is considered desirable that the said by-law shall be validated and confirmed, and that the corporation be authorized and required to deliver the said debenture to the company and to provide for the payment thereof, by the Legislature of the Province of Ontario;

Now this agreement witnesseth that in consideration of the premises it is agreed by and between the parties hereto, as follows:

- 1. The corporation agree to join with the company in an application to the said Legislature for such legislation as may be deemed necessary in the premises to authorize and empower the corporation to issue the said debenture, and to pay the company the said sum of two thousand dollars, and interest, and to provide that the payments of the instalments shall commence on the first day of January, 1902 and be made annually thereafter until fully paid.
- 2. The company agree to pay, or cause to be paid, the costs of and incidental to the procuring of such legislation.
- 3. The making of this agreement, or any application as aforesaid, by the company, shall not be deemed to be an admission by the company of any defect in the said by-law.

In witness whereof the said parties have caused their corporate seal to be affixed hereto, and to be set the hands of their proper efficers in that behalf. the 28th day of September, 1901.

> (Sgd.) ANGUS GILLANDERS, Reeve.

> > (Seal.)

HENRY WATSON, Clerk.

#### SCHEDULE E.

BY-LAW No. 93.

Provisionally adopted October 3, 1898.

A by-law to provide for aiding and assisting The Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand five hundred dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Village of Dutton, in the County of Flgin.

Whereas a majority of the municipal council of the Village of Dutton have petitioned the council of the said village to pass a by-law to be submitted to the duly qualified electors of said village, granting a bonus to the said railway company of two thousand five hundred dollars, upon the terms and conditions in said peti ion more particularly set forth;

And whereas it is necessary for the municipal corporation of the said village, in order to provide the said sum of two thousand five hundred dollars to issue a debenture of the said corporation of the said village for the said amound, and to provide for the payment of the same and of the interest thereon in the manner hereinafter mentioned;

And whereas the am unt of the whole rateable property of the said municipal corporation of the said village, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, \$184,830;

And whereas the amount of the existing debenture debt of the said corporation is \$9,574.09, and there is no part of the principal or interest thereon due or in arrears;

And whereas the municipal council of the said village has resolved that such debenture shall be payable in twenty annual instalments, with interest at the rate of four per cent. per annum, so that the said instalment shall be such that the aggregate amount payable for principal and interest during any year shall be equal, as nearly as may be, to what is payable in each of the other years of such period of twenty years;

And whereas it is necessary to raise annually by a special rate sufficient therefor on all the rateable 'property in the said municipal corporation, during the said term of twenty years, the currency of the debenture to be issued under this by-law, the sum of \$184.62 for the payment of the said debt and interest;

Be it therefore enacted by the municipal corporation of the Village of Dutton:—

- 1. That it shall and may be lawful for the said corporation of the said village to assist the said railway company by giving thereto by way of free grant or bonus a debenture of the said corporation for the sum of two thousand five hundred dollars upon the terms and conditions hereinafter mentioned.
- 2. It shall be lawful for the said municipal corporation, for the purposes aforesaid, to borrow the sum of two thousand five hundred dollars, and to issue a debenture of the said municipality to the amount of two thousand five hundred dollars, bearing interest at the rate of four per cent. per annum, payable in the nanner, for the amounts and at the times hereinafter set forth.
- 3. The said debenture shall be payable at the Molson's Bank in the City of St. Thomas, within twenty years from the day on which this by-law shall take effect, and shall bear interest at the rate of four per cent. per annum from the date thereof, which said interest with said instalments of principal shall be paid yearly on the 31st day of December in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of principal and in erest, said debenture to be sealed with the seal of the said municipality, and signed by the reeve and treasurer thereof, and the said coupons shall also be signed or initialled by the said reeve and treasurer.
- 4. Said debenture shall, within six months after the final passing of this by-law, be delivered by the reeve of the said Village of Dutton to three trustees, one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust, and shall be deposited by them at the agency of the Molson's Bank in the City of St. Thomas.
- 5 The said debenture shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by-law.
- 6. There shall be raised and levied in each year for twenty years, currency of the debenture to be issued under the authority of this by-law, by a special rate sufficient therefor, on all the rateable property in the said village, over and above and in addition to all other rates and taxes, the sum of \$184 62 for the payment of the several instalments of principal and interest accruing on said debt.
- 7. The railway shall be constructed through the said Village of Dutton, and the station and other buildings shall be within the limits of the said village, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said village, and so long as excursion tickets are issued on Saturdays to St. Thomas and London the same shall be issued to and from the said company's station at the said village; and the railway company shall, after the completion of the extension of their said railway from the Town of Ridgetown, in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debenture above mentioned, supply to the corporation of said village gravel from their gravel pits, when the same may be required, at the rate of four dollars per car of fifteen yards.
- 8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said village.
  - 9. This by-law shall take effect on the day of the final passing thereof.

- 10. The votes of the duly qualified electors of the said village shall be taken on this by-law on Thursday, the 10th day of November, 1898, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the town hall in the said village.
- 11 That J. D. Blue shall be returning officer to take the votes at the said town hall.
- 12 That on Monday, the 7th day of November, A. D. 1899, at the hour of 10 o'clock in the forenoon, at the town hall, at Dutton aforesaid, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the village clerk, and one person to attend at the polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.
- 13. The clerk of the said village shall on Friday the 11th day of November, A. D. 1898, at the hour of 12 o'clock noon, at his office in the said village, sum up the number of votes given for and against this by-law.
- 1 John D. Blue, Clerk of the municipal corporation of the Village of Dutton do hereby certify the foregoing to be a true copy of By-law Number 3, passed by the municipal corporation of the said village, on the fifteenth day of December, 1898.

Given under my hand and seal of the said municipal corporation this 30th day of December, 1901.

[Seal]

(Sgd.) JOHN D. BLUE, Clerk.

#### SCHEDULE F.

This agreement made this 31st day of January, A. D. 1900. Between:—
The Corporation of the Village of Dutton, hereinafter called "the corporation" and of the one part, The Lake Erie and Detroit River Railway Company, hereinafter called "the Comyany" of the other part;

Whereas by a by-law of the corporation, Number 93, passed on the 15th day of December, 1898, the corporaton agreed, in consideration of certain benefits to be derived by them from the building of an extension of the company's railway from Ridgetown to St. Thomas, to grant the company a bonus of two thousand five hundred dollars.

And whereas for good and sufficient reasons the work of the said extension has been so delayed that it will be impossible for the same to be

completed within the time limited by the said by-law.

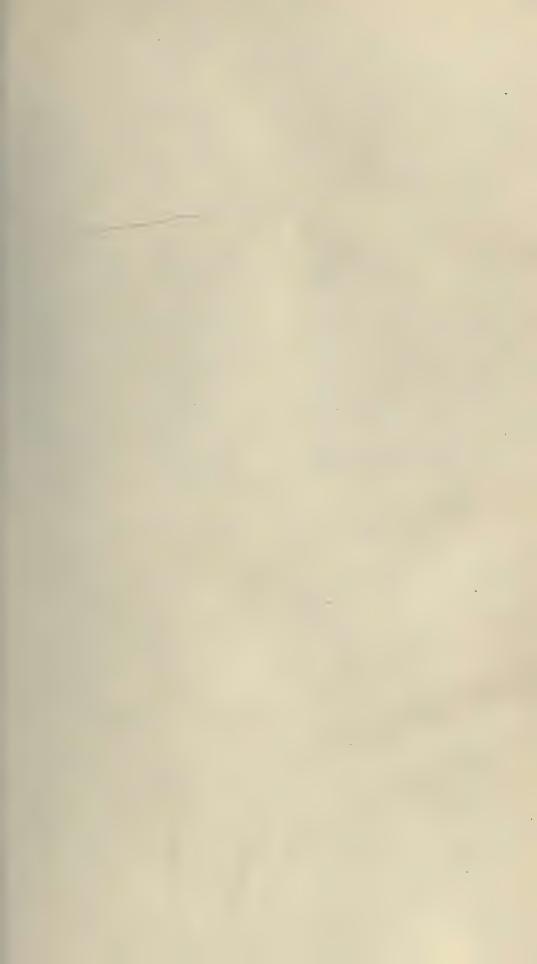
Now this agreement witnesseth that in pursuance of a resolution of the municipal corporation duly passed on the 2nd day of April, 1900 by virtue of the power given them by the said by law, the corporation have agreed to and do hereby extend the time for the completion of the said railway extension as aforesaid to the first day of July, 1901, and the corporation and the company mutally agree that the said by-law shall in respects all other remain in full force and be binding on each of them.

In witness whereof the parties hereto have caused their corporate

seal to be affixed hereto.

[Seal] (Sgd). John Dowswell,
Reeve
(Sgd). J. D. Blue,
Clerk.





5th Session, 9th Legislature, 2 Edward VII, 1902.

### DILL

An Act to legalize certain By-laws and debentures of the Township of Oxford and the Village of Dutton in aid of The Lake Erie and Detroit River Railway Company, and to ratify and confirm certain agreements made between the said Municipalities and the said Railway Company in respect thereof.

First Reading,

1902.

(Private Bill.)

Mr. MCKEE.

TORONTO:

PRINTED L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act to legalize certain By-laws in aid of The Lake Erie and Detroit River Railway Company

WHEREAS the Municipal Corporations of the Township of Preamble. Orford and the Village of Dutton have petitioned that an Act may be passed to validate and confirm certain by laws of the said municipal corporations relating to bonuses to The Lake Erie and Detroit River Railway Company; and to authorize the issue of debentures for the payment of said bonuses; and further to ratify and confirm certain agreements entered into between the said railway company and the said municipal corporations respectively; and whereas the said railway company has joined the said municipal corporations in requesting that an act be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 253, as amended by By-law No. 284, of the By-law No. Municipal Corporation of the Township of Orford, set forth in 253 of Township of Orford Schedule A to this Act, is confirmed, and declared legal, confirmed. valid and binding upon the said Municipal Corporation of the Township of Orford and the ratepayers thereof; and the said Municipal Corporation of the Township of Orford is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No. 253, and to do all acts necessary for the full and proper carrying out of said By-law No. 253 as amended as aforesaid, the said debenture or debentures to bear interest from the 1st day of January, 1902.

2. The agreements between the Municipal Corporation of Agreements the Township of Orford and the said railway company, set between the forth in Schedules B to this Act, are ratified and confirmed, Orford and and declared to be legal, valid and binding upon the parties the company confirmed. thereto.

3. By-law No. 93 of the Municipal Corporation of the By-law of the Village of Dutton, set forth as Schedule C to this Act, is Village of Dutton conconfirmed, and declared legal, valid and binding upon the said firmed.

Municipal Corporation of the Village of Dutton and the ratepayers thereof; and the said municipal corporation of the Village of Dutton is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No. 93, and to provide for the payment thereof in the manner provided by said last mentioned by-law, and to do all acts necessary for the full and proper carrying out of said last mentioned by-law, the said debenture or debentures to bear interest from the 1st day of January, 1902.

Agreement be-tween Village of Dutton and railway company con-firmed.

4. The agreement between the Municipal Corporation of the Village of Dutton and the said railway company, set forth in Schedule D to this Act, is ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Rates levied by municipalities legalized and confirm d

5. All rates heretofore levied or hereafter to be levied by the said municipal corporations respectively under said by-law respectively, are declared legal, and are hereby ratified and confirmed, and the said municipal corporations respectively are authorized to levy such further rates as may be necessary in pursuance of said by-laws respectively.

#### SCHEDULE A.

LAKE ERIE AND D. R. R. WAY.

By-Law No. 253.

- A By law to provide for aiding and assisting the Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Township of Orford, in the County of Kent.
- 1. Whereas resident freeholders of the Township of Orford have petitioned the council of the said township to pass a by-law to be submitted to the duly qualified electors of the said township granting a bonus to the said railway company of two thousand dollars upon the terms and conditions in said petition more particularly set forth.

2. And whereas it is necessary for the municipal corporation of the said township, in order to provide the said sum of two thousand dollars, to issue a debenture of the corporation of the said township for the said amount, and to provide for the payment of the same, and of the interest thereon, in the manner hereinafter mentioned.

3. And whereas the amount of the whole rateable property of the said municipal corporation of the said township, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, is one million four hundred and forty thousand and seven hundred dollars;

4. And whereas the amount of the existing debenture debt of the said corporation is six thousand six hundred and twelve dollars and eightynine cents, and there is no part of the principal or interest thereon due or in arrears.

- 5. And whereas it will require the sum of two hundred and forty-seven dollars and eighty cents to be raised annually for a period of ten years, the currency of the debenture to be issued under and by virtue of this by-law, to pay the principal and interest on the said debenture (to be raised annually during the said period for the forming of a sinking-fund for payment of the debenture) so to be issued under this By-law.
- 6. And whereas it is necessary that said annual sum of two hundred and forty seven dollars and eighty cents shall be raised and levied in each year during the period of ten years by a special rate sufficient therefor on all the rateable property in the said municipal corporation.

Be it therefore enacted by the municipa' corporation of the township of Orford.

- 1. That it shall and may be lawful for the said corporation of the said township to assist the said railway company by giving thereto by way of free grant or bonus, a debenture of the said corporation for the sum of two thousand dollars (or its equivalent thereof) upon the terms and conditions hereinafter mentioned.
- 2. It shall be lawful for the said municipal corporation, for the purpose aforesaid, to borrow the sum of two thousand dollars, and to issue a debenture of the said municipality to the amount of two thousand dollars, bearing interest at the rate of four per cent per annum, payable in the manner, for the amounts, and at the times hereinafter set forth.
- 3. The said debenture shall be payable within ten years from the day on which this by law shall take effect, and shall bear interest at the rate of four per cent per annum from the date thereof, which said interest shall be paid yearly on the first day of January, after 1899, in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of interest; said debenture to be sealed with the seal of the said municipality and signed by the reeve and the treasurer.
- 4. Said debenture (or the said sum of two thousand dollars) shall within six months after the final passing of this by-law be delivered by the reeve of the said Township of Orford to three trustees; one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust and shall be deposited by them at the agency of the Molsons Bank in the (Town of Ridgetown, Ontario).
- 5. The said debenture (or the said sum of two thousand dollars) shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by law.
- 6. There shall be raised and levied in each year for ten years the currency of the debenture to be issued under the authority of this by-law by a special rate sufficient therefor on all rateable property of the raid township, over and above and in addition to all other rates and taxes, the sum of two hundred and forty-seven dollars and eighty cents for the payment of principal and interest on said debenture (to be raised annually as aforesaid).
- 7. The railway shall be constructed through the said Township of Orford, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said township (and shall build two respectable stations therein and said trains stopping at same) and so long as excursion tickets are issued on Saturdays to St. Thomas and London, the same shall be issued to and from the said company's stations at Highgate and Duart in the said township. And the railway company shall after the completion of the extension of their said railway from the Town of Ridgetown in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debenture above mentioned, supply to the corporation of the said township gravel from

their (gravel) pits when the same may be required, at the rate of ten dollars per car of fifteen yards

- 8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said township.
  - 9. This by-law shall take effect on the day of the final passing thereof.
- 10. The votes of the duly qualified electors of the said township (above described) shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the 10th day of November, A.D. 1898, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day at the undermentioned places.

  - No. 1, Town Hall. Clearville; Walter S. Backus, D.R.O.
    No. 2, McArthur Hall, Duart; Robert Currie, D.R.O.
    No. 3, Nornal School House, Sec. 9; Robert A. Spence, D.R.O.
    No. 4, Henderson's School House, No. 10; R. F. Dickson, D.R.O.
    No. 5, Town Hall, Highgate; Geo. E. Lee, D.R.O.
    No. 6, Temperance Hall, Palmyra; Daniel Cameron, D.R.O.
- 11. That on Saturday, the 12th day of November, A.D. 1898, at the hour of ten o'clock in the forenoon, at the township hall in the said township, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the Township clerk, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.
- 12. The clerk of the said township shall on Saturday, the 12th day of November, A.D., 1898, at the hour of twelve o'clock noon, at his office at Highgate, in the said township, sum up the number of votes given for and against this by-law and declare the same.

[L. S.] (Sgd.) HENRY WATSON, Clerk. Jos. HORNAL, Reeve.

#### By-law No. 284.

By-law to amend By-law No. 253, regarding a bonus granted to The Lake Erie and Detroit River Railway Co. for the sum of \$2,000.

Whereas, By-law No. 253 was pased by the council of the Township of Orford and duly voted upon by the ratepayers on the tenth day of November, A.D. 1898, and duly carried, to give certain aid to The Lake Erie and Detroit River Railway Company;

And whereas the said by-law was duly and finally passed by the council of the Township of Orford on the fifteenth day of December, A.D. 1898; but in finally passing the said by-law certain clerical errors occurred which is desirable to be rectified;

Be it therefore enacted by the said council that the said By-law No 253 be and the same is hereby amended as follows:-

- 1. In preamble of said by-law as published in the Highgate Monitor under date of November 3rd, 1898, clause 5 is amended by striking out the words "eighty cents" and inserting therein the words "eighty cents." In the same clause, by striking out after the word "debenture" "to be raised annually during the said period for the forming of a sinking fund for payment of the debenture."
- 2. In clause 6 the sum of "eight cents" should be inserted instead of "eighty cents."
- 3. In the body of the by-law sec. 1, by striking out "or its equivalent
- 4. In the third clause insert after the word "payment" the words "of principal and."

- 5. After "debenture" in sec. 4 by striking out the words "or the said sum of two thousand dollars." In the same clause insert the words "City of St. Thomas" instead of "Ridgetown."
- 6. In sec. 5 by striking out the words "or the said sum of two thousand dollars."
- 7. In sec. 6 by striking out the words "eighty cents" and insert therein "eight cents" instead.
- 8. In clause 7 by striking out the words after "and" "shall build two respectable stations therein and said trains stopping at same"; also strike out the word "gravel" before pits; also strike out the word "ten" and and insert "four" before dollars.
  - 9. In sec. 10 by striking out the words "above described."
- 10. In sec. 11, by striking out "twelfth day" and insert therein "fifth day."

Passed this 11th day of Sept. by the said council of Orford in council council assembled at Highgate, Ont.

(Sgd.) HENRY WATSON,

(Sgd.) ANGUS GILLANDERS,

[Seal]

Clerk.

Reeve.

#### SCHEDULE B.

This agreement made this day of May, A.D. 1900. Between:
The Corporation of the Township of Orford, hereinafter called "The
Corporation," of the one part, and The Lake Erie and Detroit River
Railway Company, hereinafter called "The Company," of the other
part.

Whereas by a By-law of the corporation, No. 253, passed on the 15th day of December, 1898, the corporation agreed in consideration for certain benefits to be derived by them from the building of an extension of the company's railway from Ridgetown to St. Thomas to grant the company a bonus of two thousand dollars.

And whereas for good and sufficient reasons the work of the said extension has been so delayed that it will be impossible for the same to be completed within the time limited by the said by-law.

Now this agreement witnesseth that in pursuance of a resolution of the municipal council of the corporation, duly passed on the 18th day of May, 1900 by virtue of the power given them by the said by-law, the corporation have agreed to and do hereby extend the time for the completion of the said railway extension as aforesaid to the first day of July, 1901, and the corporation and the company mutually agree that the said by-law shall in all other respects remain in full force and be binding u pon each of them.

In witness whereof the parties hereto have caused their corporate seals to be affixed hereto.

(Sgd.) GEO. GOSNELL,

(Seal.)

Reeve.

Witness,

HENRY WATSON,

S. H. FOSTER.

Clerk.

#### ARTICLES OF AGREEMENT.

Between: The Corporation of the Township of Orford, hereinafter called "The Corporation," of the one part; and The Lake Erie and Detroit River Railway Company, hereinafter called "The Company," of the other part.

Whereas pursuant to the provisions of the Municipal Act in that behalf, the council of the said corporation submitted to the ratepayers of the said corporation a by-law for aiding and assisting the company, and for issuing a debenture in the sum of two thousand dollars to be given by way of bonus to the company, to assist in extending the company's railway from the Town of Ridgetown to the City of St. Thomas, through the said corporation.

And whereas the said by-law was duly carried by the votes of the said ratepayers, and was afterwards, namely, on the 15th day of December, 1898, duly passed by the council of the said corporation, but in the copying of the said by-law for such final passing, certain clerical errors occurred which the council of the said corporation assumed to correct by By-law Number 284, passed on the 11th day of September, 1901.

And whereas subsequently, and pursuant to the power in that behalf contained in the said by-law, the said corporation, by agreement dated the 18th day of May, 1900, extended the time for the completion of the said railway to the first day of July, 1901.

And whereas the said railway was duly comple ed and in running order before the first day of July, 1901, and the company are entitled to the said bonus.

And whereas in and by said by-law it was provided that the said debenture, within six months after the final passing thereof, should be delivered to certain trustees to be held by them, in trust, until the completion of the said railway, and to be then delivered to the said company.

And whereas through inadvertence the corporation omitted to deliver the said debenture within the time aforesaid, and now wish to deliver the same to the company, but are in doubt as to their power to do so.

And whereas lest any question should arise hereafter it is considered desirable that the said by-law shall be validated and confirmed, and that the corporation be authorized and required to deliver the said debenture to the company and to provide for the payment thereof, by the Legislature of the Province of Ontario;

Now this agreement witnesseth that in consideration of the premises it is agreed by and between the parties hereto, as follows:

- 1. The corporation agree to join with the company in an application to the said Legislature for such legislation as may be deemed necessary in the premises to authorize and empower the corporation to issue the said debenture, and to pay the company the said sum of two thousand dollars, and interest, and to provide that the payments of the instalments shall commence on the first day of January, 1902 and be made annually thereafter until fully paid.
- 2. The company agree to pay, or cause to be paid, the costs of and incidental to the procuring of such legislation.
- 3. The making of this agreement, or any application as aforesaid, by the company, shall not be deemed to be an admission by the company of any defect in the said by-law.

In witness whereof the said parties have caused their corporate seals to be affixed hereto, and to be set the hands of their proper efficers in that behalf, the 28th day of September, 1901.

(Sgd.) Angus Gillanders, Reeve. (Seal.)

HENRY WATSON, Clerk.

#### SCHEDULE C.

By-LAW No. 93.

Provisionally adopted October 3, 1898.

A by-law to provide for aiding and assisting The Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand five hundred dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Village of Dutton, in the County of Elgin.

Whereas a majority of the municipal council of the Village of Dutton have petitioned the council of the said village to pass a by-law to be submitted to the duly qualified electors of said village, granting a bonus to the said railway company of two thousand five hundred dollars, upon the terms and conditions in said petition more particularly set forth;

And whereas it is necessary for the municipal corporation of the said village, in order to provide the said sum of two thousand five hundred dollars to issue a debenture of the said corporation of the said village for the said amount, and to provide for the payment of the same and of the interest thereon in the manner hereinafter mentioned;

And whereas the am unt of the whole rateable property of the said municipal corporation of the said village, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, is \$184,830;

And whereas the amount of the existing debenture debt of the said corporation is \$9,574.09, and there is no part of the principal or interest thereon due or in arrears;

And whereas the municipal council of the said village have resolved that such debenture shall be payable in twenty annual instalments, with interest at the rate of four per cent. per annum, so that the said instalment shall be such that the aggregate amount payable for principal and interest during any year shall be equal, as nearly as may be, to what is payable in each of the other years of such period of twenty years;

And whereas it is necessary to raise annually by a special rate sufficient therefor on all the rateable property in the said municipal corporation, during the said term of twenty years, the currency of the debenture to be issued under this by-law, the sum of \$184.62 for the payment of the said debt and interest;

Be it therefore enacted by the municipal corporation of the Village of Dutton :-

- 1. That it shall and may be lawful for the said corporation of the said village to assist the said railway company by giving thereto by way of free grant or bonus a debenture of the said corporation for the sum of two thousand five hundred dollars upon the terms and conditions hereinafter mentioned.
- 2. It shall be lawful for the said municipal corporation, for the purpose aforesaid, to borrow the sum of two thousand five hundred dollars, and to issue a debenture of the said municipality to the amount of two thousand five hundred dollars, bearing interest at the rate of four per cent. per annum, payable in the nanner, for the amounts and at the times hereinafter set forth.
- 3. The said debenture shall be payable at the Molson's Bank in the City of St. Thomas, within twenty years from the day on which this by-law shall take effect, and shall bear interest at the rate of four per cent. per annum from the date thereof, which said interest with said instalments of principal shall be paid yearly on the 31st day of December in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of principal and interest, said debenture to be sealed with the seal of the said municipality, and signed by the reeve and treasurer thereof, and the said coupons shall also be signed or initialled by the said reeve and treasurer.

- 4. Said debenture shall, within six months after the final passing of his by-law, be delivered by the reeve of the said Village of Dutton to three trustees, one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust, and shall be deposited by them at the agency of the Molson's Bank in the City of St. Thomas.
- 5 The said debenture shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by-law.
- 6. There shall be raised and levied in each year for twenty years, currency of the debenture to be issued under the authority of this by-law, by a special rate sufficient therefor, on all the rateable property in the said village, over and above and in addition to all other rates and taxes, the sum of \$184 62 for the payment of the several instalments of principal and interest accruing on said debt.
- 7. The railway shall be constructed through the said Village of Dutton, and the station and other buildings shall be within the limits of the said village, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said village, and so long as excursion tickets are issued on Saturdays to St. Thomas and London the same shall be issued to and from the said company's station at the said village; and the railway company shall, after the completion of the extension of their said railway from the Town of Ridgetown, in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debenture above mentioned, supply to the corporation of said village gravel from their gravel pits, when the same may be required, at the rate of four dollars per car of fifteen yards.
- 8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said village.
  - 9. This by-law shall take effect on the day of the final passing thereof.
- 10. The votes of the duly qualified electors of the said village shall be taken on this by-law on Thursday, the 10th day of November, 1898, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the town hall in the said village.
- 11 That J. D. Blue shall be returning officer to take the votes at the said town hall.
- 12 That on Monday, the 7th day of November, A. D. 1898, at the hour of 10 o'clock in the forenoon, at the town hall, at Dutton aforesaid, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the village clerk, and one person to attend at the polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous or opposing this by-law.
- 13. The clerk of the said village shall on Friday the 11th day of November, A. D. 1898, at the hour of 12 o'clock noon, at his office in the said village, sum up the number of votes given for and against this by-law.

Г (Sgd.) Joн

JOHN DOWSWILL, Reeve.

(Sgd.)

JOHN D. BLUE, Clerk.

[Seal.]

#### SCHEDULE D.

This agreement made this 31st day of January, A. D. 1900. Between:— The Corporation of the Village of Dutton, hereinafter called "the corporation" and of the one part, The Lake Erie and Detroit River Railway Company, hereinafter called "the Comyany" of the other

Whereas by a by-law of the corporation, Number 93, passed on the 15th day of December, 1898, the corporaton agreed, in consideration of certain benefits to be derived by them from the building of an extension of the company's railway from Ridgetown to St. Thomas, to grant the company a bonus of two thousand five hundred dollars.

And whereas for good and sufficient reasons the work of the said ex-

tension has been so delayed that it will be impossible for the same to be completed within the time limited by the said by-law.

Now this agreement witnesseth that in pursuance of a resolution of the municipal council of the corporation duly passed on the 2nd day of April, 1900, by virtue of the power given them by the said by law, the corporation have agreed to and do hereby extend the time for the completion of the railway extension as aforesaid to the first day of July, 1901, and the said corporation and the company mutally agree that the said by-law shall in all other respects remain in full force and be binding on each of them.

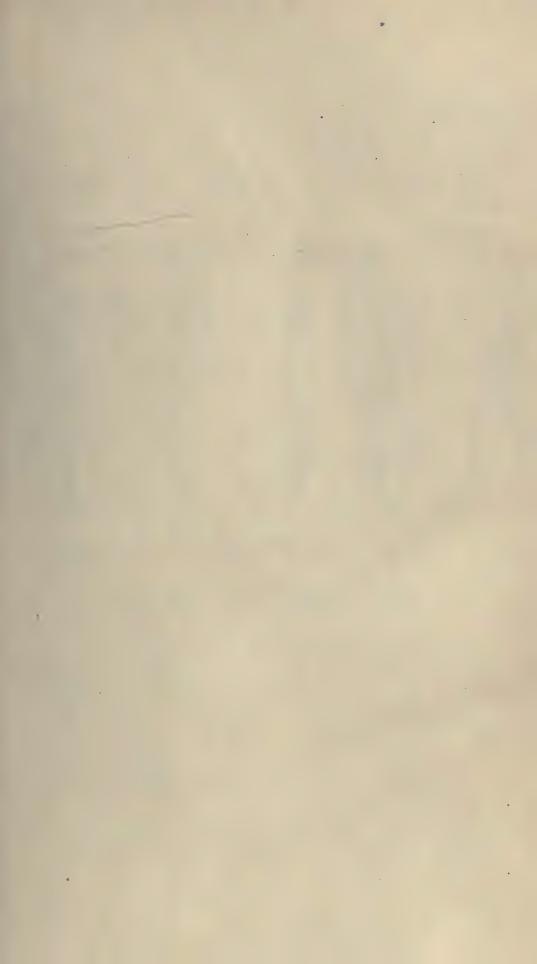
In witness whereof the parties hereto have caused their corporate

seal to be affixed hereto.

(Sgd). JOHN DOWSWELL, [Seal] Reeve J. D. BLUE, (Sgd). Clerk.

- 2-39





5th Session, 9th Legislature, 2 Edward VII, 1902.

### ППТ

An Act to legalize certain By-laws in aid of The Lake Erie and Detroit River Railway Company.

First Reading, 11th February, 1902.

(Reprinted as amended by the Private Bills Committee.)

Mr. MCKEE.

TORONTO:
PRINTED L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Township of Pelee.

HEREAS the Corporation of the Township of Pelee is Preamble. desirous of aiding in the establishment of a more efficient steamboat service between the said Township of Pelee and the main shore; and whereas the said corporation in 5 order to aid Colin Wigle, of the Town of Amherstburg, in the County of Essex, merchant miller, who has entered into an agreement with the said corporation to establish such service, or some other person or persons who will establish such service with a loan of seven thousand dollars; and whereas in 10 order thereto a by-law of the municipal council of the said township authorizing the issue of debentures repayable with interest at the rate of five per centum per annum for the purpose of making such loan, has been submitted to the duly qualified electors of the said township and out of a total of 15 138 persons entitled to vote thereon, 11 of whom are non-residents, 67 persons voted for the by-law, 15 persons against; and whereas by the petition of the said corportion it has prayed that an Act may be passed confirming and validating said by-law; and whereas it is expedient to grant the prayer of 20 said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. By-law number 136 of the Municipal Council of the By-law No.
25 Corporation of the Township of Pelee intituled "A by-law to 136 of Township of Pelee authorize the Corporation of the Township of Pelee to aid by confirmed. way of loan Colin Wigle or some other person or persons to e-tablish a steamboat service between Pelee Island and the main shore and to authorize the issue of debentures of the 30 Township of Pelee to the amount of seven thousand dollars therefor," (a copy of which by-law is contained in schedule A hereto) is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the Township of

Pelee and the ratepayers thereof, anything in The Municipal 35 Act or in any other Act to the contrary notwithstanding.

2. The debentures issued or to be issued under the terms of Debentures said by-law payable in each year for seven successive years to legalized. the amount of one thousand two hundred and nine dollars and

sixty cents in each year of said term in order to repay the debt of seven thousand dollars created by said by-law and interest thereon at the rate of five per centum per annum, are hereby delared to be valid and binding upon the corporation when executed in the manner provided by said by-law.

5

#### SCHEDULE A.

By-Law No. 136.

A By-law to authorize the corporation of the Township of Pelee, to aid by way of loan Colin Wigle, or some other person or persons, to establish a steamboat service between Pelee Island and the main shore, and to authorize the issue of debentures of the Township of Pelee, to the amount of \$7,000 therefor.

Provisionally adopted Dec. 7th, 1901. Passed Jan'y. 13th, 1902.

Whereas: it is advisable that transportation facilities between Pelee Island and the main shore of a more effecient character should be obtained and in order thereto it is deemed advisable to aid by way of loan Colin Wigle, of the Town of Amherstburg, merchant miller, in a sum not exceeding \$7,000 to be repaid by him in yearly sums of \$1,000 per year for seven years, without interest and upon the terms set forth in an agreement bearing date the 7th day of December, 1901, executed by the said Colin Wigle, and in the event of the said Wigle neglecting or refusing to carry out the terms of the said agreement then to some other person or persons who will enter into an agreement of a similar nature but subject to such modification as may be necessary and as the council of the said township may by by-law determine.

And whereas, in order thereto it will be necessary to issue debentures of the Township of Pelee, for the sum of \$7,000 as hereinafter provided (which is the amount of the debt intended to be created by this by-law,) the proceeds of the said debentures to be applied to the said purpose and to no other.

And whereas, it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of seven years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other six years of said period.

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1, 209.60.

And whereas the amount of the whole rateable property of the Township of Pelee, according to the last revised assessment roll is \$239,018.

And whereas the amount of the existing debenture debt of the said municipality is \$23,000, and no principal or interest in respect thereof is in arrear,

And whereas it is intended that this by law shall be validated by a special Act of the Legislative Assembly of the Province of Ontario;

Therefore, the municipal council of the corporation of the Township of Pelee, subject to ratification by sp cial Act of the Legislative Assembly of the Province of Ontario, enacts as follows;—

- 1. The municipal council of the said corporation are hereby empowered and enabled to lend to Colin Wigle upon the terms of said agreement bearing date the seventh day of December 1901, the sum of \$7,000 upon the terms hereinbefore set forth, in order to establish effecient transportation facilities between Pelee Island and the main shore.
- 2. In the event of the said Colin Wigle neglecting or refusing to carry out the terms of the said agreement the said municipal council are hereby empowered to enter into a similar agreement with some other person or persons subject to such modifications as the said municipal council may deem expedient.
- 3. The said municipal council may in case the person borrowing the money approves, alter or modify the terms of the agreement at any time provided such council considers it to be in the interest of the corporation to do so.
- 4 For the purposes of raising the sum to make such loan, debentures of the said township to the amount of \$7,000, with interest at the rate of five per centum per annum added, in sums of not less than \$100 each shall be issued and dated on the 15th day of March 1902, and shall be payable within seven years thereafter at the Traders Bank of Canada in the Town of Leamington.
- 5. Each of the said debentures shall be signed by the reeve and treasurer of the said township and the clerk shall attach thereto the corporate seal of the municipality.
- 6. The said debentures shall include interest at the rate of five per centum per annum and shall be payable and included with the principal of said debt in the debentures to be issued hereunder.
- 7. During the currency of said debentures there shall be raised annually by special rate on all rateable property in the said Township of Pelee the sum of \$1 209.60 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.
- 8. This by-law shall take effect on the day that a special Act of the Legislative Assembly of the Province of Ontario, to validate and confirm this by-law, shall come into force.
- 9. The votes of the electors of the said township shall be taken on this by-law on the sixth day of January, 1902, at the Town Hall in said Township of Pelee commencing at the hour of nine o'clock in the morning and continuing till five o'clock in the aft rnoon by the clerk of the said municipality, the returning officer.
- 10. On Monday, the 30th day of December instant, the reeve of the said township shall attend at the council chamber at eleven o'clock in the forenoon to appoint persons to attend at the polling place aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.
- 11. The clerk of the council of the said Township of Pelee shall attend at the council chamber at ten o'clock in the fore con of Tuesday the seventh day of January, 1902, to sum up the votes for and against the by-law.

Dated at the Town Hall in the Township of Pelee the 7th day of December, A.D. 1901.

WM. J. McCormick, Reeve. WILLIAM STEWART, Township Clerk.

5th Session, 9th Legislature, 2 Edward. VII., 1902.

# BILL.

An Act respecting the Township of Pelee.

First Reading, 1902.

(Private Bill.)

Mr. AULD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

WHEREAS the Windsor, Essex and Lake Shore Rapid Preamble.
Railway Company has by its petition prayed that an
Act may be passed authorizing the company to increase its
borrowing powers to the sum of twenty thousand dollars for
5 each mile of its railway, and whereas it is expedient to grant
the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

10 1. The said company is hereby authorized and empowered Binding to issue bonds, debentures, or other securities up to, but not exceeding, twenty thousand dollars for each mile of its railway instead of ten thousand dollars for each mile of railway, as provided by The Electric Railway Act, but in all other received. 15 spects the provisions of The Electric Railway Act relating to borrowing powers shall apply.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

First Reading,

1902.

(Private Bill).

Mr. McKee.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majssty.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

WHEREAS the Windsor, Essex and Lake Shore Rapid Preamble.
Railway Company, incorporated under an Act passed in the 1st year of His Majesty's reign, chaptered 92, has by its petition prayed that an Act may be passed authorizing the company to increase its borrowing powers to the sum of \$20,000 for each mile of its railway; and whereas the railway authorized to be constructed by the company, by its said Act of Incorporation, crosses the tracks of The Canadian Pacific Railway Company, The Michigan Central Railway Company and The Lake Erie and Detroit River Railway Company, and various watercourses, and the work of construction of said line is rendered difficult and expensive; and whereas it is expedient to grant the prayer of the said petition; Ev

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The directors of the company are hereby authorized and Bonding empowered to issue bonds, debentures, or other securities for powers. the purpose of raising money for prosecuting their under-taking, but the whole amount of the issue of such bonds. debentures or other securities shall not exceed the sum of \$20,000 for each mile of the railway of the company, and except as herein provided the borrowing powers of the company shall be governed by The Electric Railway Act. 209.

5th Session, 9th Legislature, 2 Edward VII., 1902.

### DILL

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

First Reading, 28th January, 1902.

(Private Bill.)

(Reprinted as amended by the Railway
Committee.)

Mr. McKee.

TORONTO:

PRINTED BY L. K. CAMBRON,
Printer to the King's Most Excellent Majesty.

An Act respecting the St. Thomas Street Railway Company.

HEREAS the St. Thomas Street Railway Company Preamble. (hereinafter called the company, has by petition represented that, under and by virtue of Chapter 53 of 41 Victoria (Ontario), the company was authorized and empowered to 5 construct, maintain and operate a double or single iron track railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the City of St. 10 Thomas and of any of the adjoining municipalities, as the company may be authorized to pass along, under and subject to any agreements to be made between the councils of the said municipalities respectively, and the said Company, and under and subject to any by-laws of the said municipalities respect-15 ively, or any of them, made in pursuance of the said agreements, and that the company has constructed and is now op rating an electric street railway in and through the said City of St. Thomas and southward to a park in the adjoining Township of Yarmouth; and that it has become desirable 20 that the powers created by the said Act should be extended so as to enable the company to extend, construct and operate their lines to and through other municipalities than those immediately adjoining the said City of St. Thomas; and to contract and agree with all municipal corporations interested for 25 the construction and operation of their railway southward to and through the Village of Port Stanley, and eastward and northward through the Townships of Yarmouth and Malahide to the Town of Aylmer in the County of Elgin, and northward through the Township of Westminster in the County of 30 Middlesex to the City of London; and also to contract and agree with any other company, corporation or person for construction and equipment of said extensions, and for amalgamation, or running powers, and for granting, supplying, obtaining or acquiring power, heat, light, or the use or owner-35 ship of any plant. machinery or property, and to make all necessary agreements and contracts for the purpose aforesaid and for other purposes, and also that the company and the municipal corporation of the City of St. Thomas should be empowered to make all such amendments in the agreement 40 and mortgage, which are Schedules B and C of Chapter 51 of

the Ontario Statutes of 1898, as may be mutually agreed upon between the company and the said corporation; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, 5 enacts as follows:—

Extensions authorized.

1. The said company is hereby authorized and empowered to extend, construct, maintain and operate the said railway with single or double tracks and with all necessary branches, sidetracks and turnouts for the passage of cars, carriages and other 10 vehicles along and upon such streets and highways as the company may be authorized to pass along and upon, by the respective persons or corporations having jurisdiction over the same, and subject to any agreements hereafter to be made between the company and such persons or corporations, and 15 also to construct, maintain and operate all the necessary works, buildings, appliances and conveniences connected therewith from some point at or near the City of St. Thomas, southward through the Township of Yarmouth, to and through the Village of Port Stanley on Lake Erie, and from some point, on 20 the line to be constructed, from St. Thomas to Port Stanley, eastward and northward through the Townships of Yarmouth and Malahide to and through the Town of Aylmer and Village of Sparta in the County of Elgin, and from some point in or near the City of St. Thomas northward through the Townships 25 of Yarmouth and Southwold in the County of Elgin, and through the Township of Westminster in the County of Middlesex to the City of London in the said County of Middlesex, and to take, transfer and carry passengers and freight upon the same, by force or power of electricity or such other 30 motive power as may be authorized by the Council of any of the said municipalities respectively by by-law.

Agreemencs for purchase of rights of owners of toll roads. (a) The company may make and enter into any agreements for the purchase of the rights of the owner or owners of any toll road upon or along which the proposed line of the railway 35 may run and may purchase the same and acquire and retain the rights of such owner or owners and may operate such toll road under their title, or the company may enter into an agreement to acquire and may acquire from the owners or lessees of any such toll road, a right of way thereon and along the 40 same, and may also acquire, purchase and hold land for right of way or other purposes necessary for their undertaking, including land for park purposes, not exceeding in any locality 100 acres, from private persons or companys. The municipality in which such parks or park may be situate having full power to pass by-laws for regulating the use of the same.

Rights under charter of incorporation confirmed. 2. Subject to the provisions of this Act, the company shall have and enjoy and be entitled to all the rights, powers, privileges and advantages of every nature and kind whether

had under their act of incorporation or otherwise, with reference to all matters necessary for the construction, equipment, maintenance and operation of 'he said extensions in as full and ample a manner as if said extensions had been a part of 5 the original undertaking of the company.

3. All municipalities in which the railway of the company is Rights of now situated, or through which the said extensions or any of municipalities them are, or is to be constructed and operated or which may be benefitted thereby, shall have and enjoy all the rights and 10 powers conferred upon municipalities by any Act relating to the company or by this Act, subject to the conditions therein or herein contained.

4 The directors of the company may enter into a contract Contracts for or contracts with any individual, corporation or association of construction and equip-15 individuals for the construction or equipment of the said line ment. or lines or any part thereof, and may pay therefor either in whole or in part, either in cash or in bonds or in paid up stock, provided that no such contract shall be of any force or validity till approved by two-thirds of the shareholders present in per-20 son or by proxy at a meeting specially convened for considering the same.

5. The directors of the company may pay or agree to pay Payments in in paid up stock or in bonds of the company, such sums as paid up stock they may deem expedient to engineers or contractors, or for 25 right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general or special meeting, for the services of the promoters or other persons who have been or who may be employed by the directors for the purpose of assisting the directors in furthering the 30 undertaking, whether such promoters or other persons may have been or may be elected directors or not, and any agreement so made shall be binding on the company.

6. The company shall have power to enter into any agree- Agreements with London ment with the London Street Railway Company for the leas- Street Rail-35 ing, hiring or use by the company of the lands, tracks, plant way Co. or structures of the London Street Railway Company, for entrance into the City of London, and also for the leasing, hiring or use by the London Street Railway Company, of the lands, tracks, plant and structures of the St. Thomas Street Railway 40 Company, over any or all parts or connections of the radial system of the St. Thomas Street Railway Company.

7. The company may enter into an agreement with any Agreements with other other company or companies, if lawfully authorized to enter into companies. such agreements, or with any person or persons, for the leasing, 45 hiring, or use of any electric motors, carriages, cars, rolling stock or other moveable property from such companies or persons, for such time or times, and on such terms as

may be agreed on: and also may enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the motors, carriages, cars, rolling stock and other moveable property of the other or others of them, 5 for the running of the cars or carriages of the company over the tracks of any other railway company, with the consent of such company, on such terms as to compensation and otherwise, as may be agreed upon; also for the amalgamation of the company with any other company or companies.

Binding powers.

- 8. (1) The directors of the company under the authority given to them by the shareholders at any general or special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid up all calls due 15 thereon, are present in person, or represented by proxy, subject to the provisions of this Act, without regard to the amount of capital stock subscribed or paid up,—issue bonds, debentures or other securities, (not exceeding \$14,000 for each and every mile of single track of the company's railway and extensions 20 and branches) signed by the president or other presiding officer, and countersigned by the secretary, and such bonds, debentures or other securities may be made payable at such time and in such manner, and at such place or pla es in Canada or elsewhere, and may bear such rate of interest, as the directors 25 think proper.
- (2) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities at the best prices and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising 30 money for prosecuting the said undertaking.
- (3) In case the company shall wish to secure any such bonds by mortgage on their real or personal property including plant, franchises, or otherwise such mortgage or mortgages need not be registered in the registry office for the County of Elgin nor 35 any of the registry offices of the County of Middlesex, nor need the same be filed in the offices of the county court clerk's for the Counties of Elgin, or Middlesex or other formality nor during the currency of the same shall the same be required to be renewed, nor any renewal or statement of the amount there- 40 on or affidavit verifying the same require to be filed or registered in any year during its currency anything contained in The Registry Act or The Bills of Sale or Chattel Mortgage Act or any Act amending the same or any other Act to the contrary notwithstanding, but the same shall be legal and binding 45 on the said company, its successors and assigns notwithstanding, such non-registration, or non-filing or non-renewal thereof.

Power to receive aid.

9. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may 50

have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and 5 conditions as may be agreed upon, and any municipality shall have powerto remit or commu'e 'taxes (except school rates) to and with the company.

10. The directors of the company and the municipal coun-Agreement cil of the City of St. Thomas, may enter into any agreement with City. 10 for the amendment or cancellation of the agreement and mortgage, which are schedules B and C to chapter 51 of 61 Victoria (Ontario), or of any of the provisions or clauses of either of said instruments, notwithstanding, the said Act confirming the same, provided, however, that any such agreement shall re-15 quire to be confirmed by by-laws of the company and of the municipal corporation of the City of St. Thomas respectively.

11. The agreement bearing date the 9th day of May 1901, Agreement between the company and the municipal corporation of the with Township of Yarmouth, and the by-law of the said corporation of Yarmouth, and 20 tion No. 658, as set forth in schedule A to this Act are hereby by-law confirmed. declared to be legal, valid and binding upon the parties thereto, their successors and assigns to all intents and purposes what-

- (a) The said company and corporation may from time to 25 time agree notwithstanding anything herein or therein contained to an extension or extensions of either the duration of the franchise, the time for commencing or completion of the company's undertaking as therein mentioned or any extension or change of location of such undertaking or the extension of 30 the time for exemption or commutation of taxes, or may mutually agree to alter the same in any other respect.
- 12. Chapter 53 of the Acts passed in the 41st year of the 41 V. c. 53; reign of Her late Majesty Queen Victoria, intituled "An Act amended." to Incorporate the St. Thomas Street Railway Company" and 35 chapter 51 of the Acts passed in the 61st year of the reign of Her Majesty Queen Victoria, intituled "An Act Respecting the City of St. Thomas and the St. Thomas Street Railway Com-" are hereby amended in so far as any of the provisions of either of said Acts is or are inconsistent with the provisions 40 of this Act.

#### SCHEDULE A.

BR-LAW NO. 658 OF THE TOWNSHIP OF YARMOUTH.

Whereas the St. Thomas Street Railway, by their Act of Incorporation chapter 53, of the Ontario Statutes, 1873, are authorized to construct, complete and maintain and operate a double or single track railway in and

through the city of St. Thomas and any of the adjoining municipalities as the company might be authorized to pass along, and,

Whereas the councils of the city of St. Thomas and of the adjoining municipalities are also by the said Act authorized and empowered to enter into agreements with the company regarding the construction and operation of the said railway, and,

Whereas the said company has applied to the council of this corporation for such an agreement and the council has agreed to enter into the agreement hereto annexed,

Be it therefore enacted and the corporation of the Township of Yarmouth hereby enacts as follows:—

1. That the agreement between the St. Thomas Street Railway Company and this corporation hereto annexed be and the same is hereby approved of by this corporation, and the reeve of this corporation is hereby authorized to sign the same and the clerk to affix the seal of this corporation thereto forthwith after the execution thereof by the said company.

2. That this by-law shall take effect immediately after the passing thereof,

(Sgd.)	WM.	BASSETT, Reeve	( , , , , )
(Sgd.)	J. F.	TURNER, Clerk.	Seal of Yarmouth

This agreement made in duplicate this ninth day of May, A.D. 1901, between the Municipal Corporation of the Township of Yarmouth, in the County of Elgin, Province of Ontario, hereinafter called the "corporation," the party of the first part, and the St. Thomas Street Railway Company, hereinafter called the "company," the party of the second part.

a. Whereas the parties of the second part are a company duly incorporated under and by virtue of Chapter 53 of the Ontario Statutes of 1878 and the Acts or parts of Acts therein referred to and are empowered under and by virtue of the said Act of Incorporation to construct, complete, maintain and operate a double or single track, iron railway, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles upon and along such streets and highways of the City of St. Thomas and of any of the adjoining municipalities as the company may be authorized to pass along under and subject to any agreement or agreements to be made between the councils of the said municipalities respectively and the said company and under and subject to any by-law of the said municipalities made in pursuance of said Act, and to take, transfer, and carry passengers and freight along and upon the streets and highways of such municipalities by force of such motor power as may be authorized by the councils of such municipalities respectively.

b. And whereas the company have applied to the parties of the first part for the franchise or right to lay their tracks and construct, operate and equip a line or lines of railway and for regulations regarding the construction and operation of the same within the territorial jurisdiction of the Township of Yarmouth.

And whereas a part of their line is already constructed and operated on the concession road between the 8th and 7th concessions of the Township of Yarmouth.

Now, therefore, this agreement witnessetn that the corporation for and in consideration of the payment to them by the company of the sum of \$1.00, the receipt whereof is hereby acknowledged, and of the other considerations agreed upon by and between the company and the corporation respectively, and in further consideration of the covenants and agreements

hereinafter contained, have agreed to the following as the terms for the construction, equipment and operation of the company's line or lines within the territorial jurisdiction of the Township of Yarmouth.

- 1. The corporation hereby grants to the company the franchise to construct and operate their line of railway by electricity, compressed air, or other modern motive power approved of by resolution or by-law of the corporation over the following streets and roads: Talbot street, from the corporation limits of St. Thomas to the town line between Malahide and Yarmouth; the 3rd concession road, namely, the road between the 3rd and 4th concessions of the Township of Yarmouth, from the London and Port Stanley gravel road to Sparta, and thence north along the side road from Sparta to Talbot street, between lots 21 and 22, in the several concessions, or the road used in lieu thereof in the 7th concession, also across any concessions or side roads over which their line may be lawfully constructed.
- 2. This agreement is entered into and made in pursuance of and subject to chapter 53 of the Ontario Statutes of 1878 and the Acts or parts of Acts incorporated therewith or made applicable thereto.
- 3. The consent, permission and authority of the parties of the first part is hereby given to the company to construct, complete and equip, maintain and operate such railway in the manner and for the purpose hereinbefore mentioned, for a term of 50 years from the 4th of February, 1879.
- 4. The company is hereby authorized to erect, construct, operate and maintain all necessary poles, wires, electric appliances and other surface or overhead construction on and along or across such roads and highways for the completion and maintenance of said railway by electricity on the trolley system, compressed air, or on such other system as may be approved of by resolution or by-law of the corporation as aforesaid, but the powers which are granted to the company shall not, in any way, be deemed to make the corporation liable for any damages that may be done or caused by the construction and operation of the said railway, along, over and upon or across the said roads and highways. The company hereby covenant and agree to indemnify and save harmless the corporation from all such damages, and from all expenses or costs which may arise therefrom. If the said damages, costs and expenses are not paid in twelve months from the final termination of any action in which the same is recovered, the corporation shall have the right to cancel this agreement, but such cancellation shall not relieve the company from its liability to pay to the corporation such damages, costs and expenses.
- 5. The construction of the railway shall be commenced within one year after the execution of this agreement and shall be completed within two years from the said date. In default of which all the rights, privileges and franchise hereby granted to the company may at the option of the corporation be declared forfeited, as to all parts of the said proposed road not completed and running.
- 6. The company agree with the corporation that they will at all times indemnify and save harmless the corporation from all loss, damages, costs, charges and expenses of every nature and kind which the corporation may be put to or have to pay for or by reason of the exercise by the company of the powers hereby granted to them or by reason of any negligence, act, default or omission of the company either in respect to the want of repair of their roadbed and plant or other construction which may arise from, by or in connection with the operation of the said railway over and along any road, highway, crossings, approaches or bridges, but nothing herein contained shall be construed to give to the railway any right to cross or construct their road over any bridge or culvert belonging to the corporation without the expressed permission of the corporation given by resolution or by-law of the council thereof, and without such permission the company shall not use any such bridge or culvert, but nevertheless the company in order to use any bridge or culvert they may have to erect alongside of the bridge or culvert of the corporation shall be at liberty to deviate their track across the highway for the purpose of crossing or approaching such bridge or culvert to be erected

by them and the corporation consents to the erection of all necessary bridges and culverts by the company subject to the approval of the engineer of the corporation. If the said damages, costs and expenses are not paid in twelve months from the final termination of any action in which the same is recovered the corporation shall have the right to cancel this agreement, but such cancellation shall not relieve the company from its liability to pay to the corporation such damages, costs and expenses.

- 7. The corporation may by themselves, their engineer or inspector object to the manner, construction or to the materials used in the construction of the said railway on the ground that the manner of construction or the materials used do not comply with the terms of the schedules of this agreement, and the company shall thereupon forthwith comply with the terms of this agreement.
- 8. And it is further agreed and understood hereby that the said corporation and their licensees shall be and are hereby authorized to take up or dig under the said railway for the purpose of constructing or repairing any drains or culverts for the maintenance of the said highway, or for the purpose of laying down, constructing or repairing or taking up any gas or water or sewer pipes or for any drainage purposes upon, along, across or under said streets on the said highway and shall replace the said railway without doing any unnecessary damage or causing any unnecessary delay to the said company in the operation of the said railway. Provided always and it is hereby agreed that the company shall have the option of forthwith executing any work required by licensees of the corporation affecting the roadbed of the highway under the said provisions the actual cost of such work to be paid by such licensees, but this provision shall not apply to work being done by the corporation. And provided further that the corporation shall not be liable to the company for any damages caused by the overflow of water or the breaking of any drain or culverts, or other damages not due to the act or resulting from the negligence of the corporation.
- 9. That in case the company shall fail to keep in repair the portion of the road or highways used by the company, and the crossings, and shall not within five days after reasonable notice from the corporation have proceeded with such work or repair, then such work or repair may be done by the corporation at the expense of the company, and the amount or cost of such work may be recovered by the corporation from the company by action in any court of competent jurisdiction.
- 10. In case the company fail without reasonable excuse to operate their railway for a period of one month, unless extended by the resolution of the council, then the corporation may make application to the High Court of Justice, or to a judge thereof, to have this agreement cancelled, and such court it hereby authorized and empowered to cancel the same on such terms and conditions as the court may think proper:
- 11. This agreement, and the rights hereby acquired by the company, shall not be transferred to any company, firm or corporation, without the consent and approval of the corporation; but this shall not be deemed to deprive the company of the right to enter into any agreement or contract with any other person, company or corporation for the leasing or supplying of motor power for cars, by, for or to the railway, or for allowing any other company or corporation to traverse or use the line of road of the company, or any other part thereof, on such terms or conditions as the company may think proper, or to prevent the company from entering into any lease or running or traffic arrangements to or with any other company. Any lease shall be subject to the terms and conditions of this agreement, in so far as the construction and operation of the said railway is concerned, and provided that such company, firm or corporation shall first enter into an agreement with the corporation binding itself to comply with the terms of this agreement.
- 12. The consent, permission and authority of the corporation is hereby given and granted to the said company to maintain and operate their said railway, as now constructed to Pinafore Park lands within the Corpora-

tion of Yarmouth, across the highway forming the dividing line between the Municipality of Yarmouth, in the City of St. Thomas, showing on the annexed plan, and to construct, complete, maintain and operate their railway along such dividing line, from Wilson Avenue as far as the London, Port Stanley Gravel Road also, for the term hereinbefore mentioned which said line to Pinafore Park shall be laid across the said highway, as shown in the annexed plan, in a good and perfect workmanlike manner, and to the satisfaction of the engineer.

- 13. The corporation hereby grants the company the right to purchase, lease, acquire, and to hold any estate in the same, and to sell, lease, alienate or mortgage any lands or premises necessary or suitable for park or pleasure grounds not exceeding 100 acres, and to improve and lay out such lands as parks or places of public resort, reserving, however, to the corporation the right and power to pass by-laws to regulate the use of the said public parks and pleasure grounds.
- 14. Whenever the corporation desires to give notice to the company, the same may be done in writing served or left at the office of the company in St. Thomas, or by mailing the same by registered letter, addressed to the company, and deposited in the post office at St. Thomas.

Whenever the words "the engineer" or 'the said engineer" are used in this agreement they shall mean such person as the corporation of the township of Yarmouth may from time to time appoint for the purpose of performing the duties or exercising the powers or discretion or any of them by this agreement devolving or conferred upon the said engineer.

- 16. The company's railway shall be constructed and maintained and operated according to the terms of Schedule A and B hereto and the same shall apply to all parts of the company's lines within the territorial jurisdiction of the corporation, and the company agree with the corporation to construct and operate the same in strict conformity therewith.
- 17. The specification for the construction of the said railway shall be submitted to the engineer of the corporation, and in case the engineer of the company and the engineer of the corporation shall disagree with regard to any matter connected with the roadbed or construction of the railway the matters in difference shall be submitted to the corporation for their decision. The company shall pay to the extent of ten dollars the fees of the engineer of the corporation for services rendered pursuant to this paragraph, and the decision of the engineer shall be subject to the approval of the council of this corporation, and if the said council shall not disapprove of the same within five days after written notice given to the reeve of the corporation and signed by either engineer the council shall have been deemed to have approved of such decision.
- 18. The company shall have the right to supply electricity for the purpose of light, heat or power to any person, company or corporation, municipal or otherwise, on such terms as may be agreed upon between the company and such persons, company or corporation, and if necessary may erect poles on such of the highways of the corporation as they may require, but such poles shall not be erected more than 6 feet from the boundary fences of the roads when it is physically possible to erect them that close, nor shall the wires be closer to the ground than 22 feet. The company shall notify the reeve of the corporation personally in writing where they propose to erect such poles, and if the engineer of the corporation shall not within five days after the receipt by the reeve of such notice select other places upon the proposed route r lines of poles for the location of the same the corporation shall be considered as approving of the location thereof, and in case any buildings are being removed along or across the highway and the wires are too low to permit of the said building passing thereunder the company shall on receiving written notice from the engineer of the corporation place the said wires either by cutting or lifting the same at their own expense in such a position as will permit of such building being removed under them, but sufficient time shall be given to the company as to reasonably allow their employees to reach the said place where such wire is to be cut or elevated.

- 19. In the event of the company failing to faithfully keep and perform all the agreements, provisions and conditions on its part to be done, kept and performed and reasonable in substantial conformity with the provisions of this agreement, the corporation by the resolution of the council thereof may declare that all the privileges and the rights which the company may have acquired by this or any other agreement heretobefore or hereafter passed or by reason of any by-law of the said corporation are at an end and may repeal any by-law heretobefore or hereafter to be passed connected therewith, and the said privilege and the rights shall thereupon cease and be at an end accordingly and the said by law and agreements rescinded, and in such case the corporation shall have the right to require all obstructions and materials placed on the said highways of the corporation under any such by-law and agreement to be removed therefrom by the said company, and the said highways to be put in as good condition and repair as they were before, and the said material and obstructions were placed therein or thereon, and the expense thereof shall be paid to the corporation by the company. Provided, however, that the exercise of the powers in this clause conferred upon the said corporation shall not relieve the said company from its obligations to pay the said corporation all damages, costs, charges and expenses which it shall or may incur or be put to by reason of any neglect on the part of the said company in respect to any matter or thing arising under this agreement. Provide ', however, that no such rescinding, resolution or by-law shall be passed till after eight months' notice shall have been given to the company specifying particulars wherein the company have failed to comply with this agreement and giving them a reasonable opportunity to cure such defect if they actually exist, and provided that this clause shall not in any way override the special powers hereby given to cancel this agreement in the particular cases herein provided for.
- 20. The company shall, within six months from the date of the execution of these presents change or cease to be changed the culvert on the first avenue, being the dividing line between the corporation of the City of St. Thomas and the corporation of Yarmouth, which said culvert replaced a larger culvert at the time of the construction of the said railway at its own costs, charges and exp uses so far as to make the said culvert when changed, satisfactory to the said corporation and of the corporation of St. Thomas and the said culvert shall be so changed under the supervision of the engineers of the corporation company, and the City of St. Thomas, but the contemplated work must first be approved of by the corporation of St. Thomas.
- 21. The corporation agrees to accept, commute and receive from the company the sum of \$1.00 per year for all taxes, license fees, and municipal imposts of every kind that might, but for this agreement, be collectable from or payable by the company, but this shall not apply to school taxes nor to taxes on any parks the company may own or lease, which latter, however, shall, for the purposes of taxation, be valued as farm lands, without taking into consideration any improvement for pleasure or park purposes that may be erected thereon by the company during the continuance of this agreement.
- 22. The corporation shall appoint at the next regular meeting of its council an engineer to act under this agreement. This agreement shall not take effect till executed by the reeve and clerk of the corporation and the proper officers of the company.
- 23. It is distinctly understood and agreed between the parties hereto and their respective successors and assigns that all privileges, exemptions and powers mentioned and agreed to in clauses 13, 18 and 21 of this agreement shall remain in abeyance until this agreement and the by-law confirming the same shall have been confirmed by an Act of the Legislature of the Province of Ontario, the passing whereof the corporation of the said Act this agreement shall be read and construed as if the said clauses 13, 18 and 21 of this agreement had not been inserted herein.

In witness whereof the parties hereto have caused the same to be signed by the proper officers and their corporate seals affixed thereto.

(Sgd.) THE ST. THOMAS STREET RAILWAY COMPANY, per E. H. CAUGHELL,

President.

Sec.-Treas.

Seal of St. Railway.

(Sgd.) WM. BASSETT, Reeve.

J. F. TURNER, Clerk.

Seal of Township.

### SCHEDULE A.

- 1. The track of the said railway and all bridges and all works necessary for the construction and laying the same shall be built and made in a substantial manner, and according to the b st modern practice under the supervision of the engineer of the corporation and to the satisfaction of the said engineer, and the roads in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer, when the rails are laid, and the other necessary work of the company is done as they were at the time they were broken, opened up or interfered with by the company,
- 2. The gauge of the said railway shall be 4 feet, 8½ inches, and the rails shall be centre bearing "T" rails and shall weigh not less than 55 pounds per yard, and shall be laid and kept and maintained, flush with all crossings, private or public, and in such a manner as shall least obstruct the free and reasonable use of the roads and highways, and the approaches thereto over which the said railway may be constructed and the passage of vehicles and carriages over the same.
- 3. The railway shall so far as practical in view of the successful operation of the same be laid along the easterly or southerly side of the said roads or highways so that the inside rail of the track shall not in any case without special permission of the corporation be nearer the centre of the road than 12 feet, but this shall not restrict the right of the company to lay their tracks at the side of the road or highways next to fence and across the said road when and so often as may be necessary for the proper construction and operation of the said railway, but such crossings shall not be at a greater acute angle than 45 degrees with the centre of the roads, and all such crossings are to be on the level, and the rails are to be kept flush with the road bed or travelled portions of the roads. The company shall not in the construction of their road cross from one side to the other of the highway without permission of the council.
- 4. During the construction or repair of the said railway, or of any work in connection therewith, due and proper care shall be taken to leave suffi ient space and crossings so that the traffic on the said highway and street running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers or watchmen and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary or shall be required by the said engineer and to his satisfaction to prevent accident or injury.
- 5. The company may, notwithstanding anything herein contained, construct switches or side tracks or turn outs on the line of railway of any

length not exceeding 300 yards nor more frequently than one switch or side track to every two miles of roadway, but so for as the corporation are concerned it is agreed that the company may leave the highway or streets in order to pass over any private property adjoining the said highway for the construction of the railway, side-track, turn-outs, or switches. The location of the side tracks, switches and turn-outs shall be subject to the approval of the corporation, and after notice in writing has been given to the reeve personally of the proposed location of such switches, side-tracks or turn-outs, and unless council of the corporation disapprove of such location and within 10 days designate another location for the practical working of the railroad. The corporation shall be held to have approved of the proposed location by the company.

- 6. While the railroad is being laid the company shall keep open a free passage along the high vays or streets, and all approaches thereto, whether private or public, and will remove from the said streets or highways all surplus material or fillings as soon as possible and will not obstruct the said highways by unnecessarily placing thereon or allowing to remain for an unreasonable time any material or substance.
- 7. The company shall construct and operate their railway so as not to injuriously interfere with the ditches, ways or watercourses which cross or are upon or under the said roads or highways except as may be done with the permission of the council or the engineer of the corporation, and this agreement shall not interfere with the rights of the corporation or any private individual under *The Ditches or Water-Courses Act*, but any work to be done by a private individual shall be subject to the provisions of section 7.
- 8. The company may erect on or upon said roads or highways such buildings as are necessary for the proper and efficient working of the railway. The same to be as to location and construction subject to the control of the council.
- 9. Said railway shall not be open to the public or put in operation until the said engineer shall have given his certificate in writing that the same has been constructed in all respects and conformably to the provisions of this agreement.
- 10. After the said railway has been constructed, before commencing any future work of alteration or repair the company shall give to the said engineer notice of their intention so to do, and no more than 100 lineal feet of the highway shall without his authority in writing be broken up or upon at any one time or place, and when the work of such alteration for repair shall have been commenced the same shall be and proceeded with without intermission and as speedily as the same can be carried on with due regard to the ir proper alteration or repair and subject to the supervision of the said engineer.
- 11. It shall be lawful for all and every person or persons whatsoever, to travel upon and use the said tracks, except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.
- 12. The company shall construct, maintain and operate their system without causing any injury to or interference with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm, or other service, now or hereafter, having the use of or being operated in, upon or under the said highway, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of the said railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means, the corporation may adopt and use the same and charge the costs thereof to the company, who shall pay the same to the corporation on demand.

13. In going through Union, Sparta Yarmouth Centre and New Sarum the company shall locate their railway on such portions of the highway as shall be selected by the corporation.

(Sgd) The St. Thomas Street Railway Co., per E. H. Caughell, President, Sec'y. Treasurer.

(Sgd) Wm. Bassett, Reeve.
J. F. Turner, Clerk.

### SCHEDULE B.

#### RULES FOR OPERATING AND EQUIPPING.

- 1. The company shall place and continue on such railway modern motor cars and all cars whether motor or not used by the company shall contain all reasonable modern improvements for the convenience of passengers and for the carrying of such produce and other freight as may be received for transportation by the company over any of its lines as their traffic demands. The cars shall have vestibules for the protection of the motormen and the company shall adopt and use all other modern improvements as may be in use from time to time on similar lines of railway.
- 2. The company shall not at any time carry more persons on any car than can be safely accommodated and carried.
- 3. The following regulations and rules shall be observed by the company and the officers and servants thereof:—
- (a) Smoking shall not be allowed except on the three rear seats of the open cars on parts of cars provided for that purpose.
- (b) Cars shall be run at intervals of not less than two hours between the hours of 6.30 o'clock in the forenoon and ten o'clock in the afternoon during the months of May, June, July, August and September and at intervals of not less than four hours during the remaining months of the year.
- (c) The company may use either passenger, freight or combination cars closed, open or flat.
- (d) The company may charge and collect from any person on entering any of their cars for a continuous journey the fares allowed by *The Street Railway Act*, but no fares shall be less than five cents and all fares shall be due and payable immediately upon passengers entering the car.
- (e) Where there are passengers to enter or get off a car at a cross road or other stopping place, the car shall stop at the further side of the road which it is approaching and after crossing the road.
- (f) The car shall stop at such points as may be agreed upon between the parties hereto, for the passengers either to get on or off the car.
- (g) Each motorman and conductor shall wear a number conspicuously placed upon his clothing.
- (h) The motorman shall keep a vigilant watch for teams and persons and shall use every reasonable means to avert accidents and shall bring the car to a full stop when there are passengers to get on or off at the

points provided for, and also when in his opinion the stopping of the car would avert an accident.

- (i) The conductor shall keep a supply of tickets for the convenience of all passengers but shall not be required to give change for any greater sum than \$2 00 to any passenger and the company through its conductors or officials shall have the right to refuse to carry without security any passengers who shall require a large sum in change where it will embarass the conductor.
- (j) The speed and service necessary on the said railway shall be determined from time to time and may be altered, changed r varied by the order of the said engineer, approved by the council of the corporation.
- (k) The conductor shall announce to the passengers the names of the streets, highways and stations as the cars reach them.
- (l) Each car shall be numbered and have on it the route it takes and the name of the company all in conspicuous places and plainly printed.
- 4. Whenever the company shall remove any snow or ice from their tracks or any part thereof, the same shall be entirely removed by them from the highway, or shall be evenly spread over the highway under the direction and to the satisfaction of the said engineer, if and so long as the engineer directs the company by notice so to do, and whenever the snow and ice is removed from their tracks, the company shall when removing the same slant down the adjoining snow and ice to such a distance outside the tracks as to make the highway safe and even for the travelling public and to the satisfaction of the said engineer. In the event of the company neglecting to remove or level the snow and ice from the said roadway as and when directed by the said engineer the same may be removed by the said engineer acting on behalf of the corporation and the cost of such removal shall be paid by the company to the corporation on demand.

(Sd)	Per E. H.	S STREET RAILWAY CO.  CAUGHELL, President, WILLIAMS, Sec'y-Treas.	Seal of St. Rulway.
	(Sd)	WM. BASSETT, Reeve. J. F. TURNER, Clerk.	Seal of : Township.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL

An Act respecting the St. Thomas Street Railway Company.

First Reading, 1902.

(Private Bill.)

Mr. BROWER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the "Toronto Canoe Club."

THEREAS the persons hereinafter named, together with Preamble. a large number of others, are associated together under the name of the "Toronto Canoe Club" for the purpose of providing the members thereof with suitable accommodation, 5 means and appliances for the pursuit of canoeing, aquatic and other amateur sports as a pastime, and have, by their petition, prayed to be incorporated under the name of "Toronto Canoe Club"; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

1. Thomas David Bailey, G. Walter Begg, John A. Muir-Incorporahead, Philip J. Syms, Henry H. Mason, Edmund Eleazer King, tion.

15 Herbert H Begg, William T. Wyndow, Herbert Rolph Tilley, Harry Ford, Charles Harold Willson, John Charles Iredale, Edward Bilton, James G. Ramsey, George Wilkie, Esquires, the officers, and such other persons as now are or hereafter shall become members of the said club, shall be, and are

20 hereby declared to be a body politic and corporate in deed and in name by the name of "Toronto Canoe Club," and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or

change such common seal at their pleasure, and shall, by the 25 same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and to have, take and receive to them and their successors such lands, tenements, hereditaments and real and immovable property and estate, situate, lying and being within the City of To-

30 ronto, as may be necessary for the actual use or occupation of the corporation as a club house and dependencies, and the same to sell, alienate and dispose of, at such time, for such price, and on such terms as the said corporation may deem proper, and with further power to hold the leasehold lands,

35 described in a lease from the corporation of the City of Toronto to one Thomas G. Elgie, which said lands are situate on the south side of Lake Street, in the City of Toronto, and extend to the new Windmill Line; and the said leasehold lands to hold, occupy, enjoy, alienate, dispose of, rent, let or 40 lease on such terms as to rental or otherwise as the said

"Toronto Canoe Club" may deem expedient, and with power to make and receive any renewal or renewals of the said lease, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto on any manner whatsoever, and the constitution, rules and regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the sail association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation may, from time to time, alter, repeal and change such constitution, rules and regulations of the said corporation.

Property vested in corp-oration.

2. All property and effects now owned by or held in trust for the said association, are hereby vested in the said corpora 15 tion, and shall be applied solely to the maintenance of the said corporation.

Power to borrow on mortgage

3 It shall be lawful for the said club to borrow money upon the credit of the club, and to hypothecate, pledge, or mortgage the real or personal property of the club to secure 20 the repayment of any sum or sums of money so borrowed, together with such interest and on such terms as may from time to time be agreed upon.

Negotiable instruments.

4. The club shall have power to draw, make, accept, endorse, all bills of exchange and promissory notes necessary for 25 the purposes of the club under the hands of its commodore and treasurer by and with the authority of the executive committee of the club, and in no case shall it be necessary that the seal of the club be affixed to any such bill or note, nor shall the commodore or treasurer, or any other person or 30 persons appointed in their place or stead, and so signing, as aforesaid, be personally or individually responsible therefor. Provided, that nothing herein contained shall be construed to authorize the club to assue notes or bills of exchange payable to bearer, or intended to be circulated as money or notes, or 35 as bills of the bank.

Limit of iability of members.

5. No member of the club shall be liable for any of the debts of the club. And no member of the club shall be liable as a contributory beyond the amount of his indebtedness to the club for his original entrance fee and annual subscription. 40 And any member of the club, not being in arrear, may retire thereform, and shall cease to be such member on giving notice to that effect, in such form as may be required by the by-laws thereof, and from and after the expiration of such notice shall be wholly free from liability as a contributory.

Power to issue deben-tures.

6. It shall be lawful for the said club to issue debentures to

such amount as it may deem necessary, not exceeding in the aggregate the sum of \$20,000 for not less than \$25 each.

- 7. The funds arising from the sale of such debentures shall Application be applied exclusively for the jurchase of lands or buildings, of proceeds 5 for the crection of a club house and dependencies, and to furnishing the same.
  - 8. Such debentures may be issued for such term and at Term and such rates as to the club shall seem expedient.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## SILLL.

An Act to incorporate the "Toronto Canoe Club."

First Reading, 1902.

Mr. Foy.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL

An Act to incorporate the "Toronto Canoe Club."

WHEREAS the persons hereinafter named, together with Preamble. a large number of others, are associated together under the name of the "Toronto Canoe Club" for the purpose of providing the members thereof with suitable accommodation. means and appliances for the pursuit of canoeing, aquatic and other amateur sports as a pastime, and have, by their petition, prayed to be incorporated under the name of "To-Incorporaronto Canoe Club "; and whereas the petitioners have in view tion. the acquisition of certain leasehold property hereinafter referred to and described which however desirable for them to acquire will be more extensive than the purposes or objects of the club require, but the said property is incapable of division, and special legislation is necessary to enable the club to hold and deal with that portion of the said property not actually acquired for the purposes of the Club, and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Thomas David Bailey, G. Walter Begg, John A. Muirhead, Philip J. Syms, Henry H. Mason, Edmund Eleazer King, Herbert Begg, William T. Wyndow, Herbert Rolph Tilley, Harry Ford, Charles Harold Willson, John Charles Iredale, Edward Beeton, James G. Ramsey, George Wilkie, the officers, and such other persons as now are or hereafter shall become members of the said club, shall be, and are hereby declared to be a body politic and corporate under the name of "Toronto Canoe Club," and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, have power to purchase, acquire, hold, possess, and to have, take and receive to them and their successors such lands, tenements, hereditaments and real and immovable property and estate, situate, lying and being within the City of Toronto, as may be necessary for the actual use or occupation of the club as a club house and dependencies, and the same to sell, alienate and dispose of, at such time, for such price, and on such terms as the club may deem proper, and with further power to hold the leasehold lands, described in a lease from the corporation of the City of Toronto to one Thomas G. Elgie, which said lands are situate on the south side of Lake Street, in the City of Toronto, and extend to the new Windmill Line; and the said leasehold lands to hold, occupy, enjoy, alienate, dispose of, rent, let or lease on such terms as to rental or otherwise as the said "Toronto Canoe Club" may deem expedient, and subject to the terms and conditions of the said lease with power to make and receive any renewal or renewals of the said lease, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto on any manner whatsoever; and the constitution, rules and regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the club; provided always that the said corporation may, from time to time, alter, repeal and change such constitution, rules and regulations of the club.

Property

2. All property and effects now owned by or held in trust vested in corp- for the said association, are hereby vested in the club and shall be applied solely to the maintenance of the club.

Power to borrow on mortgage

3. It shall be lawful for the club to borrow money upon the credit of the club, and to hypothecate, pledge, or mortgage the real or personal property of the club to secure the repayment of any sum or sums of money so borrowed, together with such interest and on such terms as may from time to time be agreed upon.

Negotiable instruments.

4. The club shall have power to draw, make, accept, endorse, all bills of exchange and promissory notes necessary for the purposes of the club under the hands of its commodore and treasurer by and with the authority of the executive committee of the club, and in no case shall it be necessary that the seal of the club be affixed to any such bill or note, nor shall the commodore or treasurer, or any other person or persons appointed in their place or stead, and so signing, as aforesaid, be personally or individually responsible therefor. Provided, that nothing herein contained shall be construed to authorize the club to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, notes or bills of a bank.

Limit of liability of members.

5. No member of the club shall be liable for any of the debts of the club. And no member of the club shall be liable as a contributory beyond the amount of his indebtedness to the club for his original entrance fee and annual subscription. And any member of the club, not being in arrear, may retire therefrom, and shall cease to be such member on giving notice to that effect, in such form as may be required by the by-laws thereof, and from and after the expiration of such notice shall be wholly free from liability as a contributory.

- 6. It shall be lawful for the club to issue debentures to Power to such amount as it may deem necessary, not exceeding in the issue debentures. aggregate the sum of \$20,000 for not less than \$25 each.
- 7. The funds arising from the sale of such debentures shall Application be applied exclusively for the jurchase of lands or buildings, of debentures. for the erection of a club house and dependencies, and to furnishing the same.
- 8. Such debentures may be issued for such term and at Term and such rates as to the club shall seem expedient.

5th Session, 9th Legislature, 2 Edward VII., 1902.

### DILL

An Act to incorporate the "Toronto Canoe Club."

First Reading, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Foy.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

## An Act to incorporate Petrolea Rapid Railway Company.

WHEREAS Gill R. Lovejoy, of the Town of Lennox, in the Preamble. State of Michigan; Samuel A. Armstrong, of the Town of Sarnia, in the County of Lambton; John Harrold, of the Township of Moore, in the said County of Lambton; John 5 Clysdale, of the same place, and Thomas J. Gordon, of the Town of Sarnia aforesaid, have by their petition prayed for an Act of Incorporation under the name of Petrolea Rapid Railway Company for the purpose of constructing, equipping and operating a railway with electric power, both for the pur-10 poses of said railway and all other purposes, beginning at some point in or near the Town of Sarnia, in the County of Lambton; from thence through the Sarnia Indian Reservation and the Township of Moore, to, in and through the unin-corporated Village of Courtright from the unincorporated 15 Village of Corunna, in the said Township of Moore, easterly through the said Township of Moore and the Township of Enniskillen, to, in and through the Town of Petrolea, in the said County of Lambton; from thence through the said Township of Enuiskillen, the Township of Dawn and Gore of Cam-20 den to, in and through the Town of Dresden, in the County of Kent; from Dawn Centre, in the said Township of Dawn, through the said Township of Dawn to, in and through the unincorporated Village of Florence; from thence south through the Township of Zone and Camden to, in and through the 25 Village of Thamesville, in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the unincorporated Village of Brigden, in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township 30 of Enniskillen, and for all other powers necessary for the purpose, and ratifying and confirming a certain by-law of the Town of Petrolea, entitled "A By-law to authorize and empower the Petrolea Rapid Railway Company to locate and operate a single iron or steel railway for the passage of cars, 35 carriages or other vehicles upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which such railway may be constructed, maintained and operated"; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Gill R. Lovejoy, Samuel A. Armstrong, John Harrold, John Clysdale and Thomas J. Gordon, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Petrolea Rapid Railway Company" hereinafter called "the company."

2. The said company is hereby authorized and empowered

Location of line.

to survey, lay out, construct, make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks, from a point in or near the Town of Sarnia in the County of Lamb- 15 ton; from thence through the Sarnia Indian reservation and the Township of Moore to, in and through the unincorporated Village of Courtright from the unincorporated Village of Corunna in the said Township of Moore easterly through the said Township of Moore and the Township of Enniskillen to, 20 in and through the Town of Petrolea in the said County of Lambton; from thence through the said Township of Enniskillen, the Township of Dawn and Gore of Camden to, in and through the Town of Dresden in the County of Kent; from Dawn centre in the said Township of Dawn through the said 25 Township of Dawn to, in and through the unincorporated Village of Florence; from thence south through the Township of Zone and Camden to, in and through the Village of Thamesville in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the 30 unincorporated Village of Brigden in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township of Enniskillen, and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be auth- 35 orized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and 40 the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions 45 and conditions contained in this Act and in The Municipal Act and any Act or Acts amending the same, and may also make and enter into any agreement with the Super ntendent-General of Indian affairs as to the terms of occupancy of any street or highway in or through the Sarnia Indian reser- 50 vation.

3. The company is hereby authorized and empowered to May lay out ke and make the surveys and levels of the lands through line in sectake and make the surveys and levels of the lands through tions. which the said railway is to pass, together with the map or plan tlereof, and of its course and direction, and of the lands 5 intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of The

Railway Act of Ontario and the amendments thereto with respect to plans and surveys by sections or portions less than Rev. Stat, 10 the length of the whole railway authorised, and of such length as the company may from time to time see fit, and use such

deposit as aforesaid, or map or plan or book of reference, if any, and each of such sections or portions of the said railway all and every of the clauses of the said Railway Act and the 15 amendments thereto applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such

sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, to-

20 gether with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Rail-

25 way Act, and the amen lments thereof with respect to "plans and surveys."

4. The capital stock of the company shall be three hundred Capital stock. thousand dollars (\$300,000) to be divided into three thousand shares of one hundred dollars each.

5. The said Gill R. Lovejoy, Samuel A. Armstrong, John Provisional Harrold, John Clysdale and Thomas J. Gordon, with power to directors. add to their number, shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed 35 under the provisions of this Act by the shareholders.

6. All meetings of the provisional board of directors of the Meetings of said company shall be held at the Town of Sarnia in the board of provisional County of Lambton. directors.

7. The capital stock of the said company shal be applied Appercative 40 and appropriated towards construction of the said railway in of capital the following manner:-

- 1. \$54,000 to the section or branch from Sarnia to Courtright.
- 2. \$77,500 to the section or branch from Corunna to Petrolea.

45

3. \$77,500 to the section or branch from Petrolea to Florence.

- 4. \$27,000 to the section or branch from Florence to Thamesville.
- 5. \$27,000 to the section or branch from Dawn Centre to Dresden.
- 6. \$13,500 to the section or branch from Petrolea to 5 Marthaville.
- 7. \$23,500 to the section or branch from Brigden Junction to Brigden.

directors.

First meeting when and so soon as twenty per cent. of the authorized capital appropriated to any such section or branch shall be 10 subscribed, and ten per cent. of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at which meeting the shareholders 15 who have paid at least ten per cent. of the amount subscribed for by them shall from the shareholders elect five persons to be directors of the said company.

Head office.

8. The head office of the said company shall be at the Town of Sarnia in the County of Lambton. 20

Special rates for fruit, milk, etc.

9. The company may make special rates for the carriage of fruits, milk and other perishable freight.

Bonding powers.

10. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole 25 amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per cent. of the authorised capital appropriated to any one of the branches or sections has been actually expended on such branch or section.

Bonding powers may be time to time.

11. The power of issuing bonds conferred upon the comexercised from pany shall not be construed as being exhausted by such issue but the power may be exercised from time to time.

Calls.

12. The directors of the company may from time to time make such calls of money upon the respective shareholders in 35 respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty five per centum of the amount subscribed by each shareholder, or be made at a 40 less interval than one month from the previous call.

Contracts for construction and equipment.

13. The directors of the company may enter into any contract or contracts with any individual, corporation or association of individuals, for the construction or equipment of the line, or any part thereof, including or excluding the purchase 45

of right of way, and may pay therefor either in whole or in part, either in cash or bonds or in part upon stock of the company, provided that no such contract shall be of any force or validity until approved of by two thirds of the shareholders pre-5 sent, himself personally or by proxy, at a meeting specially convened for considering the same.

14. The company is hereby authorized and empowered to Parks. purchase, lease or acquire by voluntary donation, and to hold for by estate in the same and to sell, lease, alienate or mort-10 gage any lands or premises intended, and necessary or suitable for park or pleasure grounds, not exceeding one hundred acres in any one municipality, and the company is auth rized to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreements or arrange-15 ments with the municipal corporations or municipalities wherein the same are situate, or any of them in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds, but none of the provisions of this section shall be 20 enforced or have effect until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company acquiring land under and for the purposes mentioned in this section, 25 provided that the total acreage of lands acquired by the company for park purposes shall not exceed three hundred acres and no such park or pleasure grounds provided that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land com-

15. The company may receive from any government or Power to from any persons or body corporate or politic or municipalities receive aid who may have power to make or grant the same aid towards struction of construction, equipment or maintenance of the said railway by line. 35 way of gift, bonus or loan or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Any municipality through which the said railway may pass or be situate is empowered to grant by

30 pany.

way of gift to the company any lands belonging to such mun-40 icipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said company shall have power to accept gifts of land from any government or any person or body corporate or politic 45 and shall have power to sell, lease, mortgage or otherwise dispose of the same for the benefit of the company.

16. No person shall be qualified to be elected as a director Qualification unless he be a shareholder holding at least ten shares of stock of directors. in the company and unless he has paid up all calls thereon and 50 holds such stock absolutely in his own right.

Rights of aliens.

17. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office 5 as directors of the company.

Payments in paid-up stock or bonds. 18 The directors may pay or agree to pay in paid-up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors or for right of way or for material, plant or rolling stock and also when sanctioned by a 10 vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

Securing bonds by mortgage.

- 19. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the 20 whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said londs, debentures or other securities, and all other powers, rights and 30 remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in 35 manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.
- (c) It shall not be necessary in the exercise of the powers as 40 to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in 45 any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act, or any Act requiring the registration or renewal of mortgages

of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provinial Secretary, have full force and effect and priority according to the time of 5 the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said Bills or Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of 10 chattels, had been fully complied with.

20. Until they have been surrendered and lawfully can- Bonds to be celled, the bonds, debentures or other securities hereby author-undertaking. ized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the 15 privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenues and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

- (a) Each holder of the said bonds, debentures or other 20 securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities, pro rata with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other 25 securities or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.
- 21. If the company makes default in paying the principal Rights of of, or interest on, any of the bonds, debentures or other securi-bondholders ties, hereby authorized, at the time when the same, by the payment. 30 terms of the bond, debenture or other security, become due and payable, then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debe tures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights 35 and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.
- (a) The rights given by this section shall not be exercised 40 by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts 45 to exercise the right of voting thereon; and the company shall le bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter, in the same manner as shares or transfers of shares.
  - (b) The exercise of the rights given by this section shall not

take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

Bonds law transferable.

22. All bonds, debentures or other securities hereby auth- 5 orized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Disposal of property no longer required.

23. Any lands or chattel property which may have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or 15 chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favour of the said bondholders.

General an-

24. The general annual meeting of shareholders shall be nual meetings, held at such places and at such times and in such manner as 20 may be directed by the by-laws of the company and public notice thereof shall be given at least two weeks previously in the Ontario Gazette and once a week in one newspaper published in the said Town of Sarnia during the two weeks immediately preceding the week in which such meeting is to take 25

Special general meetings.

25. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the 30 by-laws of the company.

Voting by proxy.

26. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide.

Negotiable nstruments.

27. The company shall have power and authority to become 45 parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a quorum of 40 the provisional directors or elected directors shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary is shown; and in no case shall it be neces ary to have the seal of the company affixed 45 to such promissory note or bill of exchange nor shall the

president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange shall have been issued without the sanction or authority of the directors as herein provided and 5 enacted; provided however that nothing in this section shall be con-trued to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

28. The company may from time to time for advances of Mortgaging 10 money to be made thereon mortgage or pledge any bonds or pledging which they may be enabled under the powers of this Act to issue for the construction of the said railway.

29. It shall be lawful for the directors of the company to Agreement enter into an agreement or agreements with any other com-with other 15 pany or companies for leasing, hiring or use of any cars, roll-companies. ing stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorised for the use 20 by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

30. It shall be lawful for the corporation of any munici- Exemptions 25 pality through any part of which the undertaking of the said from municicompany passes or in which it is situate by by law especially p.lassessment passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including 30 assessment or taxation for school purpo es, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal 35 corporation may deem expedient not exceeding twenty-one years, and no such by law shall be repealed unless in conformity with a condition contained therein.

31. Shares in the capital stock of the company may be Shares and transferred by any form of instrument in writing, but no their transfer. 40 transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

32. The company shall have the power to collect and Collecting 45 receive all charges subject to which goods or commodities may back charges come into their possession, and on payment of such back on goods. charges and without any formal transfer shall have the same

lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Municipal bylaws in aid of railway.

33. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may 20 be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Mode of submitting bylaws.

- 34. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—
- (1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-lay to the effect petitioned for, and submit the same to the approval of the qualified voters.
- (2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.
- (3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.
- (4) In the case of a section of a township municipality, the 40 petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters aforesaid.

Terms of bonus bylaws.

- 35. Such by-laws shall in each instance provide:—
- (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition by the issue of debentures, of the county or minor municipality, respectively, and shall also 50 provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

- (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said hy-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures, the respective municipal councils wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.
- 10 36. Before any such by-law is submitted, the railway Deposit of company shall, if required, deposit with the treasurer of the expenses of municipality, a sum sufficient to pay the expense to be incurred by-law. in submitting said by-law.
- 37. In case the by law submitted be approved of and By-law if 15 carried in accordance with the provisions of the law in that assented to be healf then within four weeks after the date of such voting time and the municipal council, which submitted the same, shall read passed. the said by-law a third time and pass the same.
- 38. Within one month after the passing of such by-law the Issue of debentures.

  20 said council and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.
- 25 39. In case any such loan, guarantee or bonus be so granted Rate from by a portion of a township municipality, the rate to be levied portion of township. for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of such municipality.
- 30 40. The councils for all corporations that may grant aid by By-laws extending time for company may by resolution or by-law for commence-extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time, provided that no such extension shall 35 be for a longer period than one year.
- 41. It shall and may be lawful for the council of any muni-Extending cipality that may grant aid by way of bonus to the company, time for by resolution or by-law. to extend the time for the completion of the works (on the completion of which the company shall 40 be entitled to such bonus) from time to time provided that no such extension shall be for a longer period than one year at a
- 42. In the case of aid from a county municipality, fifty Aid from resident freeholders of the county may petition the county portion of county.

  45 council against submitting the said by-law upon the ground

time.

that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall for with refer the said petition to three arbitrators, one being the judge of the county court and one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall 10 have power to confirm or amend the said by law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly 15 qualified voters and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company, or the county, as the arbitrators may order.

' Minor municipality"
meaning of.

43 The term "minor municipality" shall be construed to 20 mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Application of provisions of Rev. Stat. c. 223.

44. The provision of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this 25 Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Limit of rate under boaus by-law. 45. Any municipality or portion of a township municipality interested in the construction of the road of the company may 30 grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate 35 annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Power to purchase whole lots. 46. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same or any part thereof from time to time

as they may deem expedient, but the compulsory clauses of Rev. Stat. The Railway Act of Ontario shall not apply to this section.

47. When stone, gravel, earth or sand is or are required Acquiring land for for the construction or maintenance of the said railway or any stations, 5 part thereof, the company may, in case they cannot agree with gravel pits, the owner of the lands on which the same are situate, for the purchase thereof cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as

10 in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of The Railway Act of Ontario and of this Act, as to the service of the said notice, arbitration, compensa- Rev. Stat.

15 tion, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right

20 to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to to state the interest required.

48.—(1) When said gravel stone, earth, or sand shall be sidings to 25 taken under the preceding section of this Act at a distance gravel pits. from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be, but

30 such distance shall not exceed one mile in length; and all the provisions of The Railway Act of Ontario. and of this Act, Rev. Stat. except such as relate to filing plans and publications of notice, c. 207. shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials

- 35 are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said 40 railway.
- (2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining 45 the said railway.
  - (3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of The Railway Act of Ontario shall not apply.

Trustees of municipal debentures.

49. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within 10 one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name 15 such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at at any time by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of 20 acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of debentures and proceeds.

50. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto, 25 as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or the amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Petrolea Rapid Railway Municipal Trust Account," and 30 to pay the same out to the company from time to time as the company becomes entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in Schedule A hereto, or to the like effect, which 35 certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustee for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 40 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees. 51. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had 45 agreed.

Telegraph and telephone lines.

52. The company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said

telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided 5 that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also that such telegraph and telephone lines shall be used exclusi-10 vely for the purpose of the business of the company.

53. The company may at any points on or near to its line Power to of railway connect its tracks with the tracks of the Sarnia make agree ments with Street Railway (Limited), the Erie & Huron Railway Companies.

pany, the Grand Trunk Railway System, the Michigan Cen-

- 15 tral Railway Company, the Canadian Pacific Railway Company or any of the said companies, and for that purpose may construct or enter into an agreement if lawfully authorized to enter into such agreement with any of such companies with whose tracks such connection is made to construct all such 20 works, turn outs, switches and signals as may be necessary for the making and operating of such connection.
- 54. The company may from time to time enter into agree- Subject ments with any of the said railway companies with whose agreements tracks it is by this Act authorized to connect its own tracks, with other 25 if lawfully authorized to enter into such agreements, for the companies. following purposes;

- (a) For the making, maintenance and operation of such connections and of the works necessary therefor.
- (b) For the interchange of passenger and freight traffic be-30 tween the companies party to the agreement, for the use by either company of property, buildings, plant, material, rolling stock, machinery appliances and facilities of the other; for the supply of motive power, heat and light by either company to the other; and generally for services to be rendered by 35 either company to the other.
  - (c) For the making of running arrangements and the conduct of the joint traffic of the two companies.
  - (d) Generally for all matters and things incidental or conducive to the purposes in this section mentioned.
- (e) Any agreement entered into under the powers conferred by this section shall be upon terms to be approved of by twothirds in value of the shareholders of the company at a special general meeting to be held for that purpose and every such agreement shall be valid and binding according to the terms
- 45 and tenor thereof; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislalative authority of this province.

Powers of company general y.

Power bonuses, elevators, etc.

55. The company shall have full power and authority:—

(1) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found to be superflous for any such purpose, and the company shall have power to 5 hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Stations, depots, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, motors, carriages, wagons and other machinery and contrivances necessary or convenient for 15 the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

Production of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other 20 property of the company.

Disp sing of surplus power.

(4) To sell or lease any such electricity not required for the purposes as aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privi- 25 leges and be subject to all the obligations and restrictions of joint stock companies incorporated under The Act respecting Companies for supplying Steam Heat, Electricity or Natural Gas for Heat, Light or Power, and to acquire and hold any property necessary for the purposes mentioned in this sub. 30 section.

Conveying electricity lands.

(5) To purchase the right to convey electricity required for through other the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the muni- 35 cipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or 40 abutments for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under 45 and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Other names.

(6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the 50 meaning and intent of this Act.

56. (1) The railway of the company shall not be constructed Constructive or operated on, upon, or along any street, highway or public line in highplace of any municipality until first authorized by an agreement ways. in respect thereto made between the company and such munici-

5 pality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of any such municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with el ctricity or other motor power, and the ap-

10 plication and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aferesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible,

15 and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property,

20 and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The bylaws mentioned in section 1, sub-section 5, of the Rev. Stat. preceding section, and in this section shall be subject to the c. 223. 25 conditions and provisions of section 632 of The Municipal Act.

57. Conveyances of lands to the company for the purposes Forms of conof and powers given by this Act, made in the form set forth veyance of in Schedule B hereunder written, or to the like effect, shall be pany. 30 sufficient conveyance to the company, their successors and assigns, of the estate or interest the rein mentioned and sufficient bar of dower, respectively, of all persons executing the same: and such conveyances shall he registered in the same manner and upon such proof of execution as is required under 35 the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

58. The several clauses of The Railway Act of Ontario, Application 40 numbers 8 to 20, 29, and 31 to 39, all inclusive, shall be incorporated with and be deemed to be part of this Act, and shall tat. c. 259. apply to the company and to the railways hereafter to be constructed by them, except only so far as they may be inconconsistent with the express enactments hereof; and the ex-45 pre-sion "this Act," when used herein, shall be understood to include the said clauses of the said Railway Act and of every act in amendment thereof so incorporated with this Act.

59. Section 13 of The Electric Railway Act shall apply to Application the operation of the railway of the company, but save as Rev. Stat. c. 209, s. 13. 3 - 44

aforesaid The Electric Ra'lway Act shall not apply to the company or to the lines of railway constructed and operated, or to be constructed and operated by them

Steam not to be motive power. 60. Except during the course of construction steam shall not be used as a motive power for the operation of the rail- 5 way of the said company.

Expenses of Act.

61. The directors are hereby authorized to pay out of moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works 10 hereby authorized.

"Directors" to include provisional directors. **62.** The word "directors" wherever used herein shall be deemed to mean and include the provisional directors as well as the elected directors.

Time for commencement and completion. 63. The undertaking hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

By law 649 of Petro'ea corfirmed. 64. By-law No. 649 of the Municipal Corporation of the 20 Town of Petrolea, set forth in Schedule C to this Act, is subject to compliance by the company with the terms of paragraph numbered 36 thereof, hereby confirmed and declared legal, valid and binding upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the 25 municipality to pass the same.

### SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

THE PETROLEA RAPID RAILWAY COMPANY'S OFFICE.

No. Engineer's Department, A.D. 190

Certificate to be attached to ch ques drawn on The Petrolea Rapid Railway Company Municipal Trust Account, given under section chapter , of the Acts of the Legislature of Ontario, pressed in the year of His Majesty's reign.

I, Chief Engineer of The Petrolea Rapid Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No.

of the Township of ... (or under the agreement dated the

day of between the corporation of and the said company to entitle the said company to receive from the said trust the sum of (Here set out the terms and conditions, if any, which have been fulfilled.)

#### SCHEDULE B.

Know all men by these presents that I (or we) (insert the name or nam s of the vendor or vendors) in consideration of dollars paid to me (or us) by The Petrolea Rapid Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Petrolea Rapid Railway Company, their successors and assigns forever (here insert any other c'auses, covenants and conditions required), and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seals (or hands and seals) this day of one thousand nine hundred and

Signed, sealed and delivered in the presence of

(L.S.)

#### SCHEDULE C.

By-Law No. 649.1

A By-law to authorize and empower "The Petrolea Rapid Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages, and other vehicles, upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which i's railway may be constructed, maintained and operated.

Whereas Gil R. Lovejoy, of the Town of Lennox. in the State of Michigan, one of the United States of America. J hn Harold of the Township of Moore, in the County of Lambton, John Clydesdale, of the same place, and Samuel Allan Armstrong of the Town of Sarnia, in the said County of Lambton, trustees for the proposed "Petrolea Rapid Railway Company." (hereinafter called The Company) have made application to the Municipal Council of the Corporation of the Town of Petrolea for the sole right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single iron and steel ra lway, with necessary side tracks and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, over, upon and along those portions of the streets and highways of the Town of Petrolea hereinafter set forth:

And whereas the said Gil R. Lovejoy, John Harold. John Ciydesdale and Samuel Allan Armstrong, or such other parties as may hereafter become associated with them, will make application to the Legislative Assembly for the Province of Ontario for an act of incorporation under the provisions of "The Electric Railway Act," empowering the said "The Petrolea Rapid Railway Company," to so construct, maintain, complete and operate such railway.

And whereas the said parties will apply to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law;

And whereas it is deemed expedient to grant such privileges, with the limitations and subject to the conditions and provisoes hereinafter set forth;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Petrolea:

- 1. That "The Petrolea Rapid Railway Company," its successors and assigns, subject to the conditions limitations and provisions hereinafter contained, are hereby granted the right to lay out, construct, make, alter and keep in repair, a single iron or steel railway, to be operated by electricity or by any other motive power, except steam, which is or may become suitable for railway purposes, with single iron or steel tracks, with necessary side tracks and turnouts for the pas age of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to construct conduits under, and erect poles a d wires on or over and along and upon the following streets in the said Town of Petrolea:
- (a) Petrolea Street, commencing at its intersection with the westerly limit of the Town of Petrolea, to its intersection with the easterly limit of the said Town of Petrolea;
- (b) Eureka Street commencing at its in ersection with Petrolea Street, and running north to its intersection with the Blind Line;
- (c) What is known as the County Road, from its intersection with the northerly limit of the Town of Petrolea, to its intersection with the southerly limit of the said Town of Petrolea;
- (d) The Blind Line between concessions 11 and 12, commencing at its intersection with Eureka Street, thence westerly to its intersection with the said road between lots 9 and 10, so far as the Town of Petrolea has jurisdiction over the same:

Provided, however, that during the construction of the railway the company shall have the privilege of using steam as a motive power;

- 2. The company may carry freight and baggage, and charge a reasonable compensation for carrying the same.
- 3. The company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation; but all the terms of this by-law shall be binding upon any such person or corporation to whom said works, or any part thereof, may be leased, and such person or corporation shall take subject to the terms and provisions hereof.
- 4. The tracks of the said railway shall be laid as nearly as practicable in the centre of the said streets, excepting the Blind Line, on which said street the track may be laid on either side of the highway, with the ap proval of the "board of works," and excepting also that part of Petrolea street known as the flats, as to which the track shall be laid where directed by the board of works.
- 5. The line or track shall conform to the grade of the streets, and shall not change or alter without the consent of the council
- 6. The poles to be used for the wires shall be of cedar or iron, straight and perpendicular, and of uniform size, and shall be dressed and painted throughout, and all such poles shall be placed on the sides of the street in such manner as to obstruct as little as possible the use of the streets for other purposes: Provided, however, that the provision for painting and dressing the poles shall not apply to streets lettered "C" and "D."
- 7. The rails to be used in the streets in the said corporation shall be the standard 'T" rail, and shall be laid in such a manner as shall least obstruct the free passage of vehicles and carriages over the same.
- 8. The gauge of the said railway shall be four feet eight and one half inches.
- 9. The tracks of the said railway, all the works necessary for constructine and laying the same, shall be constructed in a substantial manner, according to the best modern practice.
- 10. The company shall construct and main ain in good repair, crossings similar to those for the time being in use by the said corporation on the

said streets at the various places of intersection of the track of the said railway with any street which the same shall cross to the extent of the width of the track and eighteen (18) inches on each side thereof.

- 11. During the operation of laying, removing, or relaying the rails, a free passage for carriages and vehicles shall be kept open and unobstructed, and immediately after the rails shall have been laid or relaid as the case may be, the street material, removed or dug up in laying or relaying the rails as aforesaid, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails.
- 12. No portion of the surface of the streets shall be kept dug up or disturbed for a greater period than thirty days, and all surplus street material shall be carefully removed by the said company or spread over the streets as may be directed by the board of works.
- 13. The said railway must be laid down and maintained subject to the rights of the corporation to dig up the streets traversed by the said railway, either for the purpose of repairing said streets, altering the grades thereof, constructing or repairing of drains, sewers or culverts, laying down or repairing gas or water pipes, and for any other purposes for the time being within the powers of the corporation, and whenever the public or private convenience may require, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the company, the corporation, its servants, agents and workmen may, at the expense of the corporation, remove such part of the track or other works of the company without incurving any liability whatever to the company therefor, but the carporation shall use due diligence in making and doing all such works and repairs and shall replace the railway track or any other part of the works of the company and leave it in as good condition as before.
- 14. Whenever it shall become necessary by this corporation to pave any street occupied by the railway track of the company that portion of the street embraced between the rails of such tracks, switches and turnouts and eighteen inches on each side of suid track shall, in the first instance, be paved by and at the expense of said corporation, but there after, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs of the railway, the company shall repair or replace the pavement, all such repairs to be to the satisfaction of the board of works.
- 15. The space between the rails, and to the extent to eighteen inches on either side, shall be filled in and maintained by the said company with the same class of material as the remainder of the highway over which the said railway shall be built, to the satisfaction of the town engineer, but such filling in shall be done in such a way as to leave the space between the rails on the same level as the balance of the roadway.
- 16. Whenever it shall be necessary to remove any snow or ice from the tracks, switches or turnouts of said railway, the same shall be removed by the said company and spread in such manner as not to obstruct a free passage of sleighs or other vehicles along and across such street, and if such snow or ice shall not be so removed within twenty-four hours of receipt of notice in writing from the clerk of the Town of Petrolea to be given to any officer of the company, it may then be removed or evenly spread by the corporation, who shall be entitled to collect from the company the cost of such work. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited, excepting where it may be required for removing salow or ice from any switch-points, frogs, wing-rails, guard-rails or signals.
- 17. Whenever, by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as said cars can be again used, and

the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

- 18. The rate of speed of the cars within the Town of Petrolea shall not exceed twelve miles an hour, and when the cars of the company are turning a crossing from one street to another the same shall not be driven at a rate faster than four miles an hour.
- 19. No cars shall be allowed to stop on a crossing or in front of an intersecting street, except to avoid collision or to prevent injury to persons in the street or for other good cause, nor shall any car be left on or remain standing on any street at any time, unless the same is being used and waiting for passengers.
- 20. After sunset the cars shall be provided with colored signal lights for the front and rear and a bright headlight on every motor car, and each motor car shall have a gong attached to it, which shall be kept ringing at all times when approaching a crossing or when necessary to give warning. There shall be not less than two men in charge of each motor car and an additional man in charge of each trailer.
- 21. It shall and may be lawfil to and for all and every person and persons whatever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the company running thereon.
- 22. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding (\$10.00) Ten Dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Town of Petrolea, and in case of non-payment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the common gaol in the County of Lambton for a period not exceeding twenty-one days, with or without hard labor.
- 23. The said company shall commence the construction of the said railway not later than two years from the date hereof and shall complete the same by December the 31st, 1904; except in case of delays by strikes, legal or other proceedings beyond their control, in which event the time in which the said company is delayed shall be allowed beyond the time herein specified, provided, however, that the time for completion of certain sections of the said railway may be extended by the corporation upon good cause for such extension being shown, but in no case shall such extension exceed one year.
- 24. The company may charge and collect from any person entering any of their cars for a centinuous journey of any distance on their railway from any point thereon to any other point thereon within the limits of the Town of Petrolea as now existing or hereafter extended, a sum not exceeding five cents, except for children under five years of age, accompanied by parent or other person having them in charge, such children to travel free, and shall sell tickets at the price of twenty-five (25) cents for six tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between the hours of six o'clock in the morning and eleven o'clock in the evening, and shall also carry children between the ages of five and twelve years for a car fare of three cents; provided the said company shall have the right to charge double the said fares between eleven o'clock in the evening and six o'clock in the morning.
- 25. Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.
- 26. The company shall have the privilege of running their cars for the purpose of carrying passengers through the Townof Petrolea duily, except Sunday, and in the event of the said company seeing fit to run cars for

carrying milk, the said cars may be operated on Sundays for that purpose, and a reasonable compensation charged therefor.

- 28. The number of trips shall not be less than one each way hourly between the hours of 6 a.m. and 9 p.m. daily, except Sundays, unless prevented by unavoidable accident or obstructions caused by storms.
- 28. The rights and privileges granted by these by-laws shall extend for a period of thirty years from the date of its acceptance by the said company, and shall be renewable for a further period of 20 years upon such terms and conditions as may be agreed upon between the said corporation and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of The Municipal Act, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said corporation shall, at once, on request being made by the said company aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the corporation.
- 29. All the property of the said company used in connection with the construction and operation of the ra lway and other objects covered by this by-law and appertaining thereto, and the said income derived therefrom by the company shall be exempt from taxation and from all local improvement rates and charges for a period of twenty-one years from the date of its acceptance by the said company, and as far as the said Town of Petrolea has the jower to grant the same or to recommend the same, such exemption shall continue and be for the further period of ten years, and the said town shall consent to any necessary legislation in that behalf; provided, however, that this exemption shall not apply to school rates.
- 30. The corporation shall join with the company in any petition or application which the said company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense therewith.
- 31. It is hereby expressly declared that the corporation of the Town of Petrolea shall not be held liable to the said company for any damage the said company may incur or sustain from the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water pipes or the necessary repairing of same or from any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.
- 32. All rights that now are, or that may hereafter be vested in the corporation or in any gas company, telephone, telegraph, electric light or other company, in respect of the care or improvement of the street, the construction of sewers, culverts or drains, and the laying of water or gas pipes therein, or the placing of poles or wires, are not in any way to be effected or impaired by any privilege that may be granted to the said company, but the said railway must be laid down and maintained subject to the rights of the said corporation and the said companies to take up, alter, repair or remove sewer, water and gas pipes, and to place poles and wires, and subject to all other purposes within the province and privilege of the said corporation. without claim for damages against the said corporation or any of the said companies, and the said corporation expressly reserves the right thereafter to lay down or permit to be laid down in the said streets gas or water pipes or sewers, and place or permit the placing of poles and wires; and to alter, improve and repair the said street whenever the public or private convenience may require.
- 33. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of the company, their servants or agents, in the construction, management or use of the railway, at d the said company shall indemnify and hold the said Corporation of the Town of Petrolea harmless from any damage that may be claimed by property holders or by any person or persons, on

account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the said corporation against all damages, actions, costs and expense they may incur or be put to by reason of any danger or injury from any electric system adopted by the company. The remedies to the corporation herein provided are in addition to and not in substitution for any remedies or relief over under any statute.

- 34. No part of said railway within the town limits shall be open to the public or put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the town engineer, or other officer especially appointed by the said council for that purpose, declaring the said railway to be in g od condition and constructed conformably to the conditions prescribed by this by-law in that behalf.
- 35. In the event of any other company proposing to construct a railway or railways on any of the highways not occupied by the company, or not herein specifically named, or not within the area as to which the company has herewith exclusive rights subject to the conditions hereto, the matter of the proposal shall be notified to the company, and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or on the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within six months after such notification, or, if the same having been accepted the company shall not proceed to complete the necessary works immediately after the expiration of said term of six months from the date of service of said notice, the corporation may grant the privilege to any other company, and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other highways: provided always that nothing herein contained shall be taken to bind the corporation to grant to the company, or anyone else, the right to construct a railway or railways upon any highways other than those specifically named; provided further, that the company shall construct and extend such new line beyond the town limits to such point or points as such other company propose to construct such road.
- 36. This by law, and the powers and privileges hereby granted, shall not take effect or be binding on the said corporation unless and until formally accepted by the said company within sixty days after its incorporation by an agreement that shall legally bind the said company to observe and comply with all the agreements, obligations, terms and conditions herein contained.
- 37. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law; and the said corporation shall join in any petition or application to aid in so doing on request being made, but without expense to the said corporation.
- 38. The said railway shall be known as and called The Petrolea Rapid Railway.

That the foregoing provisions of this by-law shall, if the same be assented to by the electors, come into effect from and after the final passing thereof.

That the votes of the qualified electors of said Town of Petro'ea shall be taken on this by law on Monday, the sixth day of January, A.D.1902, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

- (a) For polling sub-division number one at the old council chamber, and Mr. D. Trotter shall be deputy returning officer.
- (b) F r polling sub-division number two at the council chamber in Victoria Hall, and Mr John Sinclair shall be deputy returning officer.
- (c) For polling sub-division number three at the fire hall, east end, and Mr. George F. Stone shall be deputy returning officer.

(d) For polling sub-division number four at residence of Alex. Robbins, Petrolea street, east end, and Mr. Alex. McDonald shall be deputy returning officer.

That Tuesday, the thirty-first day of December, A.D. 1901, at the council chamber in Victoria Hall aforesaid, at ten o, clock in the forenoon, is hereby fixed as the time when and the place where the mayor of said town shall attend to appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the clerk of the said town and one person to attend at each of the said polling places on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

That the clerk of the said municipal corporation shall attend at the council chamber in Victoria Hall, Petrolea, at the hour of ten of the clock in the forenoon on Tuesday, the 7th day of January, A.D. 1902, to sum up the number of votes given for and against this by-law.

Provisionally passed this 9th day of December, 1901. Finally passed this 13th day of January, 1902.

> JOHN MCHATTIE, Clerk.

WM. ENGLISH, Mayor.

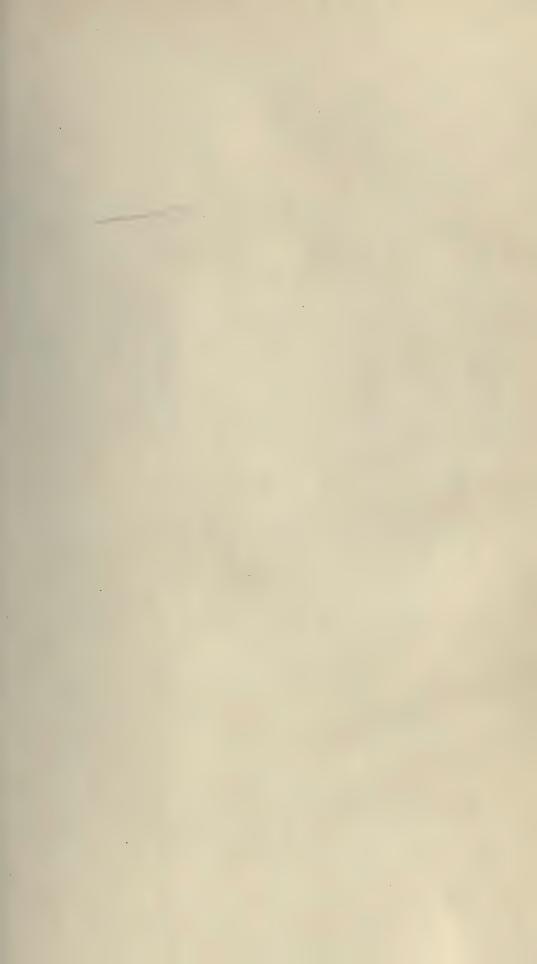
#### NOTICE.

Take notice, that the above is a true copy of a proposed by law, which has been taken into consideration, and which will be finally passed by the council of the municipality (in the event of the assent of the electors being obtained thereto) after one month from the first publication in the Petrolea Advertiser the date of which first publication was December 11th, and that the votes of the electors of the said municipality will be taken thereon on the day and at the hours and places therein fixed.

> J. McHATTIE, Town Clerk.

4-44





5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act to incorporate the "Petrolea Rapid Railway Company."

First Reading,

1902.

(Private Bill.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act to Incorporate The Petrolea Rapid Railway Company.

WHEREAS Gill R. Lovejoy, of the Town of Lennox, in Preamble. the State of Michigan, one of the United States of America; Samuel A. Armstrong, of the Town of Sarnia, in the County of Lambton; John Harrold, of the Township of Moore, in the said County of Lambton; John Clysdale, of the same place, and Thomas J. Gordon, of the Town of Sarnia aforesaid, have by their petition prayed for an Act of Incorporation under the name of The Petrolea Rapid Railway Company for the purpose of constructing, equipping and operating a railway with electric power, both for the purposes of said railway and all other purposes, beginning at some point in or near the Town of Sarnia, in the County of Lambton; from thence through the Sarnia Indian Reservation and the Township of Moore, to, in and through the unincorporated Village of Courtright from the unincorporated Village of Corunna, in the said Township of Moore, easterly through the said Township of Moore and the Township of Enniskillen, to, in and through the Town of Petrolea, in the said County of Lambton; from thence through the said Township of Enniskillen, the Township of Dawn and Gore of Camden to, in and through the Town of Dresden, in the County of Kent; from Dawn Centre, in the said Township of Dawn, through the said Township of Dawn to, in and through the unincorporated Village of Florence; from thence south through the Township of Zone and Camden to, in and through the Village of Thamesville, in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the unincorporated Village of Brigden, in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township of Enniskillen, and for all other powers necessary for the purpose, and ratifying and confirming a certain by law of the Town of Petrolea, entitled "A by-law to authorize and empower the Petrolea Rapid Railway Company to locate and operate a single iron or steel railway for the passage of cars, carriages or other vehicles upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which such railway may be constructed, maintained and operated"; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Gill R. Lovejoy, Samuel A. Armstrong, John Harrold, John Clysdale and Thomas J. Gordo, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Petrolea Rapid Railway Company" hereinafter called "the company."

Location of line

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity for compressed air or other motive power to be approved of by the Commissioner of Public Works, except steam, with double or single iron or steel tracks, from a point in or near the Town of Sarnia in the County of Lambton; from thence through the Sarnia Indian reservation and the Town-hip of Moore to, in and through the unincorporated Village of Courtright from the unincorporated Village of Corunna in the said Township of Moore easterly through the said Township of Moore and the Township of Enniskillen to, in and through the Town of Petrolea in the said County of Lambton; from thence through the said Township of Enniskillen, the Township of Dawn and Gore of Camden to, in and through the Town of Dresden in the County of Kent; from Dawn centre in the said Township of Dawn through the said Township of Dawn to, in and through the unincorporated Village of Florence; from thence south through the Township of Zone and Camden to, in and through the Village of Thamesville in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the unincorporated Village of Brigden in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township of Enniskillen, and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreement between the company and the councils of any of the said corporations and between the company and the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, The Electric Act, and in The Municipal Act and any Act or Acts amending the same, and may also make and enter into any agreement with the Superintendent-General of Indian affairs as to the terms of

occupancy of any street or highway in or through the Sarnia Indian reservation.

- 3. The capital stock of the company shall be \$300,000 to Capital stock. be divided into 3,000 shares of \$100 each.
- 4. The said Gill R. Lovejoy, Samuel A. Armstrong, John First meeting Harrold, John Clysdale and Thomas J. Gordon, with power to directors add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.
- 5. All meetings of the provisional board of directors of the Meetings of said company shall be held at the Town of Sarnia in the provisional directors County of Lambton.
- 6. The number of directors shall not be less than five or Number of more than nine directors.
- 7. The date of the annual meeting of the shareholders shall Date of be fixed by the by-laws of the company,

  annual meetings.
- 8. The capital stock of the said company shall be applied Capital stock and appropriated towards construction of the said railway in appropriated to branches. the following manner:—
  - 1. \$54,000 to the section or branch from Sarnia to Courtright.
  - 2. \$77,500 to the section or branch from Corunna to Petrolea.
  - 3. \$77,500 to the section or branch from Petrolea to Florence.
  - 4. \$27,000 to the section or branch from Florence to Thamesville.
  - 5. \$27.000 to the section or branch from Dawn Centre to Dresden.
  - \$13,500 to the section or branch from Petrolea to Marthaville.
  - 7. \$23,500 to the section or branch from Brigden Junction to Brigden.

when and so soon as twenty-five per cent. of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per cent. of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at which meeting the shareholders who have paid at least ten per cent. of the amount subscribed for by them shall from the shareholders elect not less than

five nor more than nine persons to be directors of the said company.

Head office.

9. The head office of the said company shall be at the Town of Sarnia in the County of Lambton.

Calls.

10. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

Bonding powers.

11. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section.

Rights of aliens

12. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Securing bonds by mortgage.

- 13. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company present or future or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
  - (b) Every such mortgage deed shall be deposited in the

office of the Provincial Secretary, of which deposit notice shall be given by the company in The Ontario Gazette.

- (c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.
- 14. The provisions of The Ontario Companies Act relating Incorporation to the issue of preferential stock and being section 22 of said of sec. 22, Rev. Stat. 191. Act and the amendments thereto are hereby incorporated in and made part of this Act.

15. The company is hereby authorized and empowered to Construction take and make the surveys and levels of the lands through of line by which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of The Electric Railway Act, and to deposit the same as required by the clauses of the said Elec- Rav. Stat., c. 209. tric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the state-

ment of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys.

Directors empowered to pay in stock.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Special rates for fruit, milk, etc. 17. The company may make *uniform* special rates for the carriage of fruits, milk and other perishable freight.

Collecting back charges on goods. 18. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Agreements for connection, etc., with other companies. \*\*\*719. The said company shall have power to agree for connections and making running arrangements with The Sarnia Street Railway, Limited, The Erie and Huron Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter

into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

20. It shall be lawful for the directors of the company to Agreement enter into an agreement or agreements with any other com-with other companies. pany or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

21. It shall be lawful for the corporation of any munici- Exemptions pality through any part of which the undertaking of the said from municipal assersment company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municpal rates or assessments to be imposed by such muni-

cipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Level crossings. 22. Notwithstanding any provisions to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Forms of conveyance of lands to company.

23. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Expenses of

24. The directors are hereby authorized to pay out of moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

transmission powers.

25. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Time for commencement and completion.

26. The undertaking hereby authorized shall be commenced within three years and put into operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

c 209.

Incorporation 27. The several clauses of The Electric Railway Act and Rev. Stat. of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of The Electric Railway Act, and of every Act in amendment thereof so incorporated with this Act. The

28. By-law No. 649 of the Municipal Corporation of the By-law 649 Town of Petrolea, set forth in Schedule B to this Act, is sub-confirmed ject to compliance by the company with the terms of paragraph numbered 36 thereof, hereby confirmed and declared, legal, valid and binding upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the municipality to pass the same.

#### SCHEDULE A.

Know all men by these presents that I (or we), (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Petrolea Rapid Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Petrolea Rapid Railway Company, their successors and assigns forever, (here insert any other clauses, covenants and conditions required,) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seals (or hands and seals) this one thousand nine hundred and

Signed, sealed and delivered in the presence of

[L.S.]

#### SCHEDULE B.

#### By-Law No. 649.

A By-law to authorize and empower "The Petrolea Rapid Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages, and other vehicles, upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas Gil R. Lovejoy, of the Town of Lennox, in the State of Michigan, ore of the United States of America, John Harold, of the Township of Moore, in the County of Lambton John Clydesdale, of the same place, and Samuel Allan Armstrong of the Town of Samia, in the said County of Lambton, trustees for the proposed "Petrolea Rapid Railway Company," (hereinafter called the Company) have made application to the Municipal Council of the Corporation of the Town of Petrolea for the sole right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single iron or steel railway, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, upon and along those portions of the streets and highways of the Town of Petrolea hereinafter set forth:

And whereas the said Gil R. Lovejoy, John Harold, John Clydesdale and Samuel Allan Armstrong, or such other parties as may hereafter become associated with them, will make application to the Legislative Assembly for the Province of Ontario for an Act of incorporation under the provisions of The Electric Railway Act empowering the said "The Petrolea Rapid Railway Company," to so construct, maintain, complete and operate such railway.

And whereas the said parties will apply to the Legislative Assembly of Ontario for an Act to ratity and confirm this by-law;

And whereas it is deemed expedient to grant such privileges, with the limitations and subject to the conditions and provisoes hereinafter set forth;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Petrolea:

- 1. That "The Petrolea Rapid Railway Company," its successors and assigns, subject to the conditions, limitations and provisions hereinafter contained, are hereby granted the right to lay out, construct make, alter and keep in repair, a single iron or steel railway, to be operated by electricity or by any other motive power. except steam, which is or may become suitable for railway purposes, with single iron or steel tracks, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to construct conduits under, and erect poles and wires on or over and along and upon the following streets in the said Town of Petrolea:
- (a) Petrolea Street, commencing at its intersection with the westerly limit of the Town of Petrolea, to its intersection with the easterly limit of the said Town of Petrolea;
  - (b) Eureka Street, commencing at its intersection with Petrolea Street, and running north to its intersection with the Blind Line;
  - (c) What is known as the County Road, from its intersection with the northerly limit of the Town of Petrolea, to its intersection with the southerly limit of the said Town of Petrolea;
  - (d) The Blind Line between concessions 11 and 12, commencing at its intersection with Eureka Street, thence westerly to its intersection with the said road between lots 9 and 10, so far as the Town of Petrolea has jurisdiction over the same:

Provided, however, that during the construction of the railway the company shall have the privilege of using steam as a motive power;

- 2. The company may carry freight and baggage, and charge a reasonable compensation for carrying the same.
- 3. The company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation; but all the terms of this by-law shall be binding upon any such person or corporation to whom said works or any part thereof, may be leased, and such person or corporation shall take subject to the terms and provisions hereof.
- 4. The tracks of the said railway shall be laid as nearly as practicable in the centre of the said streets, excepting the Blind Line, on which said street the track may be laid on either side of the highway, with the approval of the "board of works," and excepting also that part of Petrolea street known as the flats, as to which the track shall be laid where directed by the board of works.
- 5. The line or track shall conform to the grade of the streets, and shall not change or alter without the consent of the council.
- 6. The poles to be used for the wires shall be of cedar or iron, straight and perpendicular, and of uniform size, and shall be dressed and painted throughout, and all such poles shall be placed on the sides of the street in such manner to obstruct as little as possible the use of the streets

for other purposes: Provided, however, that the provision for painting and dressing the poles shall not apply to streets lettered "C" and "D."

- 7. The rails to be used in the streets in the said corporation shall be the standard "T" rail, and shall be laid in such a manner as shall least obstruct the free passage of vehicles and carriages over the same.
- 8. The gauge of the said railway shall be four feet eight and one-half inches.
- 9. The tracks of the said railway, all the works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice.
- 10. The company shall construct and maintain in good repair, crossings similar to those for the time being in use by the said corporation on the said streets at the various places of intersection of the track of the said railway with any street which the same shall cross to the extent of the width of the track and eighteen (18) inches on each side thereof.
- 11. During the operation of laying, removing, or relaying the rails, a free passage for carriages and vehicles shall be kept open and unobstructed, and immediately after the rails shall have been laid or relaid as the case may be, the street material, removed or dug up in laying or relaying the rails as aforesaid, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails.
- 12. No portion of the surface of the street shall be kept dug up or disturbed for a greater period than thirty days, and all surplus street material shall be carefully removed by the said company or spread over the streets as may be directed by the board of works.
- 13. The said railway must be laid down and maintained subject to the rights of the corporation to dig up the streets traversed by the said railway, either for the purpose of repairing said streets, altering the grades thereof, constructing or repairing of drains, sewers or culverts, laying down or repairing gas or water pipes, and for any other purposes for the time being within the powers of the corporation, and whenever the public or private convenience may require, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the company, the corporation, its servants, agents and workmen may, at the expense of the corporation, remove such part of the track or other works of the company without incurring any liability whatever to the company therefor, but the corporation shall use due diligence in making and doing all such works and repairs and shall replace the railway track or any other part of the works of the company and leave it in as good condition as before.
- 14. Whenever it shall become necessary by this corporation to pave any street occupied by the railway track of the company that portion of the street embraced between the rails of such tracks, switches and turnouts and eighteen inches on each side of the trak shall, in the first instance, be paved by and at the expense of said corporation, but thereafter, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs of the railway, the company shall repair or replace the pavement, all such repairs to be to the satisfaction of the board of words.
- 15. The space between the rails, and to the extent to eighteen inches on either side, shall be filled in and maintained by the said company with the same class of material as the remainder of the highway over which the said railway shall be built, to the satisfaction of the town engineer, but such filling in shall be done in such a way as to leave the space between the rails on the same level as the balance of the roadway.
- 16. Whenever it shall be necessary to remove any snow or ice from the tracks, switches or turnouts of said railway, the same shall be removed by the said company and spread in such manner as not to obstruct a free passage of sleighs or other vehicles along and across such street, and if

such snow or ice shall not be removed within twenty-four hours of receipt of notice in writing from the clerk of the Town of Petrolea to be given to any officer of the company, it may then be removed or evenly spread by the corporation, who shall be entitled to collect from the company the cost of such work. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited, excepting where it may be required for removing snow or ice from any switch-points, frogs, wing-rails, guard-rails or signals.

- 17. Whenever, by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized to use a sufficient number of sle ghs, wagons or other vehicles to answer the requirements of traffic until such time as said cars can be again used, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.
- 18. The rate of speed of the cars within the Town of Petrolea shall not exceed twelve miles an hour, and when the cars of the company are turning a crossing from one street to another the same shall not be driven at a rate faster than four miles an hour.
- 19. No cars shall be allowed to stop on a crossing or in front of an intersecting street, except to avoid collision or to prevent injury to persons in the street or for other good cause, nor shall any car be left on or remain standing on any street at any time, unless the same is being used and wairing for passengers.
- 20. After sunset the cars shall be provided with colored signal lights for the front and rear, and a bright headlight on every motor car, and each motor car shall have a gong attached to it, which shall be kept ringing at all times when approaching a crossing or when necessary to give warning. There shall be not less than two men in charge of each motor car and an additional man in charge of each traiter.
- 21. It shall and may be lawful to and for all and every person and persons whatever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the company running thereon.
- 22. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding (\$10.00) Ten Dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton having jurisdiction in the said Town of Petrolea, and in case of non payment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the common gaol in the County of Lambton for a period not exceeding twenty-one days, with or without hard labor.
- 23. The said company shall commence the construction of the said railway not later than two years from the date hereof and shall complete the same by December the 31st, 1904; except in case of delays by strikes, legal or other proceedings beyond their control, in which event the time in which the said company is delayed shall be allowed beyond the time herein specified, provided, however, that the time for completion of certain sections of the said railway may be extended by the corporation upon good cause for such extension being shown, but in no case shall such extension exceed one year.
- 24. The company may charge and collect from any person entering any of their cars for a continuous journey of any distance on their railway from any point thereon to any other point thereon within the limits of the Town of Petrolea as now existing or hereafter extended, a sum not exceeding five cents, except for children under five years of age, accompanied by parent or other person having them in charge, such children to travel free, and shall sell tickets at the price of twenty-five (26) cents for

six tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between the hours of six o'clock in the morning and eleven o'clock in the evening, and shall also carry children between the ages of five and twelve years for a car fare of three cents; provided the said company shall have the right to charge doub'e the said fares between eleven o'clock in the evening and six o'clock in the morning.

- 25. Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law shall on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.
- 26. The company shall have the privilege of running their cars for the purpose of carrying passengers through the Town of Petrolea daily, except Sunday, and in the event of the said company seeing fit to run cars for carrying milk, the said cars may be operated on Sundays for that purpose, and a reasonable compensation charged therefor.
- 27. The number of trips shall not be less than one each way hourly between the hours of 6 a.m. and 9 p.m. daily, except Sundays, unless prevented by unavoidable accident or obstructions caused by storms.
- 28. The rights and privileges granted by these by-laws shall extend for a period of thirty years from the date of its acceptance by the said company, and shall be renewable for a further period of 20 years upon such terms and conditions as may be agreed upon between the said corporation and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of The Municipal Act, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said corporation shall, at once, on request being made by the said company aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the corporation.
- 29. All the property of the said company used in connection with the construction and operation of the railway and other objects covered by this by-law and appertaining thereto, and the said income derived therefrom by the company shall be exempt from taxation and from all local improvement rates and charges for a period of twenty-one years from the date of its acceptance by the said company, and as far as the said Town of Petrolea has the power to grant the same or to recommend the same, such examption shall continue and be for the further period of ten years, and the said town shall consent to any necessary legislation in that behalf; provided, however, that this exemption shall not apply to school rates.
- 30. The corporation shall join with the company in any petition or application which the said company may make to a btain the privilege of crossing the railway track of any steam railway which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense therewith.
- 31. It is hereby expressly declared that the corporation of the Town of Petrolea shall not be held liable to the said company for any damage the said company may incur or sustain from the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water pipes or the necessary repairing of same or from any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.
- 32. All rights that are now, or that may hereafter be vested in the corporation or in any gas company, telephone, telegraph, electric light or other company, in respect of the care or improvement of the street, the construction of sewers, culverts or drains, and the laying of water or gas pipes therein, or the placing of poles or wires, are not in any way to be effected or impaired by any privilege that may be granted to the said company, but the said railway must be laid down and maintained subject to the rights of the said corporation and the said companies to take up, alter, repair or remove sewer, water and gas pipes, and to place

poles and wires, and subject to all other purposes within the province and privilege of the said corporation without claim for damages against the said corporation or any of said companies, and the said corporation expressly reserves the right thereafter to lay down or permit to be laid down in the said streets gas or water pipes or sewers, and place or permit the placing of poles and wires; and to alter, improve or repair the said street whenever the public or private convenience may require.

- 33 The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of the company, their servants or agents, in the construction, mana ement or use of the railway, and the said company shall indemnify and hold the said Corporation of the Town of Petrolea harmless from any damage that may be claimed by property holders or by any person or persons, on account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the said corporation against all damages, actions, costs and expense they may incur or be put to by reason of any danger or injury from any electric system adopted by the company. The remedies to the corporation herein provided are in addition to and not in substitution for any remedies or relief over under any statute.
- 34. No part of said railway within the town limits shall be open to the public or put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the town engineer, or other officer especially appointed by the said council for that purpose, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by law in that behalf.
- 35. In the event of any other company proposing to construct a railway or ralways on any of the highways not occupied by the company, or not herein specifically named, or not within the area as to which the company has herewith exclusive rights subject to the conditions hereto, the matter of the proposal shall be notified to the company, and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or on the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within six months after such notification, or, if the same having been accepted the company shall not proceed to complete the necessary works immediately after the expiration of said term of six months from the date of service of said notice, the corporation may grant the privilege to any other company, and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other highways; provided always that nothing herein contained shall be taken to bind the corporation to grant to the c mpany, or anyone else, the right to construct a railway or railways upon any highways other than those specifically named; provided further, that the company shall construct and extend such new line beyond the town limits to such point or points as such other company propose to construct such road.
- 36. This by-law, and the powers and privileges hereby granted, shall not take effect or be binding on the said corporation unless and until formally accepted by the said company within sixty days after its incorporation by an agreement that shall legally bind the said company to observe and comply with all the agreements, obligations, terms and conditions herein contained.
- 37. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law; and the said corporation shall join in any petition or application to aid in so doing on request being made, but without expense to the said corporation.
- 38. The said railway shall be known as and called The Petrolea Rapid Railway.

That the foregoing provisions of this by-law shall, if the same be assented to by the electors, come into effect from and after the final passing thereof.

That the votes of the qualified electors of said Town of Petrolea shall be taken on this by-law on Monday, the sixth day of January, A.D. 1902, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

- (a) For polling sub-division number one at the old council chamber, and Mr. D. Trotter shall be deputy returning officer.
- (b) For polling sub-division number two at the council chamber in Vi toria Hall, and Mr John Sinclair shall be deputy returning officer.
- (c) For polling sub-division number three at the fire hall, east end, and Mr. George F. Stone shall be deputy returning officer.
- (d) For polling sub-division number four at residence of Alex. Robbins, Petrolea street, east end, and Mr. Alex. McDonald shall be deputy returning officer.

That Tuesday, the thirty-first day of December. A.D. 1901, at the council chamber in Victoria Hall aforesaid, at ten o'clock in the forenoon, is hereby fixed as the time when and the place where the mayor of said town shall attend to appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the clerk of the said town and one person to attend at each of the said polling places on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

That the clerk of the said municipal corporation shall attend at the council chamber in Victoria Hall, Petrolea, at the hour of ten of the clock in the forenoon on Tuesday, the 7th day of January, A.D. 1902, to sum up the number of votes given for and against this by-law.

Provisionally passed this 9th day of December, 1901, Finally passed this 13th day of January, 1902.

JOHN MCHATTIE, Clerk. Jas. W. McCutcheon, Mayor. { Corporate } Seal }

NO. 44.

5th Session, 9th Legislature, 2 Edward VII., 1902.

BILL.

An Act to incorporate The Petrolea Rapid Railway Company.

First Reading, 30th January, 1902.

(Reprinted as amended by the Railway Committee.)

Mr. PARDEE.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Durham Switch Line Railway Company.

WHEREAS, The National Portland Cement Company, Preamble.
Limited, have by their petition prayed that William
Foster Cowham, Phillip W Stanhope, Frederick Barlow Cumberland, Al xande, F. McLaren, William Pinkerton and Gilbert
McKechnie be incorporated under the name of The Durham
Switch Line Railway Company for the purpose of constructing, maintaining and operating a steam railway from the Grand
Trunk Railway line at or near the Town of Durham, in the
Township of Bentinck, to a point at or near Wilder's Lake, in
the Township of Egremont, and the said company have prayed
that an Act may be passed for that purpose; and whereas it
is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows:—

1. William Foster Cowham, managing director of The Incorporation.

Peninsular Portland Cement Company, Limited, of the City of
Jackson, in the State of Michigan; Phillip W. Stanhope,

manager of The National Portland Cement Company, Limited;
20 Frederick Barlow Cumberland, vessel owner, and William
Pinkerton, barrister-at-law, all of the City of Toronto, in the
County of York; Alexander F. McLaren, member of Parliament, of the City of Stratford, in the County of Perth, and
William McKechnie, of the Town of Durham, in the County of

25 Grey, together with such other persons as shall in pursuance of this Act, become shareholders in the company hereby incorporated and hereby constituted and declared to be a body corporate and politic by the name of The Durham Switch Line Railway Company, hereinafter called the "Company".

2. The company hereby incorporated, is hereby authorized Location of and empowered to survey, lay out, construct, complete and operate a short switch line steam railway from a point at or near the easterly limit of the right of way over the Grand Trunk Railway Company of Canada where the lands of the said National Portland Cement Company butt upon such right

of way and thence northeasterly to a point at or near Wilder's Lake in the Township of Egremont.

Guage.

3. The guage of the said switch line railway shall be four feet eight and one half inches.

Provisional directors.

4. From and after the passing of this Act the said William Foster Cowham, Phillip W. Stanhope, Frederick Barlow Cumberland, Alexander F. McLaren, William Pinkerton and Gil 5 bert McKechnie with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company hereby incorporated and shall hold office as such until the first election of directors under this Act.

5. The said board of provisional directors shall have power 10

Powers of provisional directors.

forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payment on account of stock subscribed and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made 15 and with all such other powers as under The Railway Act of Ontario are vested in ordinary directors; the said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock, who in their judgment would 20 hinder, delay or prevent the company hereby incorporated from proceeding with and completing their undertaking under the provisions of this Act. And if at any time a portion or more than the whole stock shall have been subscribed, the said

provisional directors or board of directors shall allocate and 25 apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may in their discretion, exclude anyone or more of the said subscribers, if in their judgment, such exclusion will best secure the building 30 of the said switch line of railway; and all meetings of the

Rev. Stat. c. 267.

provisional board of directors shall be held at the said City of Toronto or at such other place as may best suit the interests of the said company.

6. No subscription for stock in the capital of the company 35 hereby incorporated shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock not binding unless approved.

Capital stock. 7. The capital stock of the company hereby incorporated 40 shall be \$50,000, with power to increase the same in manner provided by the Railway Act of Ontario, to be divided into shares of \$100 each, and shall be raised by the persons who may become shareholders in such company; and the money so raised and paid in to the company shall be applied in the first 45 place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act or in promoting the undertaking and of all expenses for making the surveys, plans

and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating and maintaining of the said switch line of railway, and to the other pur-5 poses of this Act, and to no other purpose whatever.

8. When and so soon as shares to the amount of \$5,000 of First meeting the capital stock of the company hereby incorporated shall for election of have been subscribed and ten per centum paid thereon into some chartered Bank of the Dominion having an office in the 10 Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them, shall call a general meeting of the subscribers to the said capital stock who shall have so paid ten per centum 15 upon the amounts subscribed by them, for the purpose of electing directors of the said company.

9. In case the provisional directors neglect to call a meeting When for the space of three months after \$5,000 of the capital stock subscribers may call first shall have been subscribed, and ten per centum thereof so meeting. 20 paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers collectively for not less than \$500 of the capital stock and who have paid up all calls thereon.

10. In either of the cases last mentioned, notice of the time Notice of 25 and place of holding such general meeting shall be given by meeting. publication in at least one newspaper in the said City of Toronto once in each week for the space of at least one month and in The Ontario Gazette; and such meeting shall be held in the said City of Toronto, at such place therein and on such 30 day and at such hour as may be named and set forth in such · notice.

11. At such general meeting the subscribers to the capital Election of directors. stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose 35 not less than three nor more than five persons to be directors of the company hereby incorporated, which said directors shall constitute a board of directors and shall hold office until the next annual general meeting, or until other directors be elected

in their stead; and may also make and pass such rules, regu-40 lations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the Railway Act of On-

12. No person shall be qualified to be a director unless he Qualification be a shareholder holding at least five shares of stock in the of directors. 45 company hereby incorporated and unless he has paid up all calls thereon.

Rights of

13. Aliens as well as British subjects, and whether resident within this province or elsewhere, may be shareholders in the company hereby incorporated; and all such shareh Iders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to hold office as directors 5 in the said company.

Subsequent annual meet-

14. There fter the annual general meetings of the company hereby incorporated shall be held at such place in the said City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company; and public no- 10 tice thereof shall be given at least thirty days previously in The Ontario Gazette, and once in each week during the four weeks preceding the week in which such meeting is to be held in at least one newspaper published in the sail City of Toronto.

Special general meetings of the eral meetings company hereby incorporated may be held at such places in the eral meetings. the said City of Toronto and at such times and in such places and for such purposes as may be provided by the by-laws of the said company and after due notices shall be given as pro- 20 vided in the last preceding section.

Number of votes.

16. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representacipalities, etc , at meetings.

17. At all meetings of the shareholders of the company 25 tives of muni- hereby incorporated the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote 30 by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Powers of directors in session.

18. Any meeting of the provisional or elected directors of 35 the company hereby incorporated regularly summoned at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ one of their number as paid director.

Calls.

19. Calls on the subscribed capital of the company hereby incorporated may be made by the direct rs for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at no less intervals than 45 one month, and notice of each call shall be given as provided in section 14 of this Act.

20. Shares in the capital stock of the company hereby in-Transfer of corporated may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or script certificates issued in respect of shares intended to be 5 transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

21. The directors of the company shall have power to issue Bonding bonds of the company for the purpose of raising money for powers. prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the amount of \$10,000 for each mile of the said ralway, and the provisions of (subsections 19, 20, 21, 22 and 23), section 9 of The Railway Act of Ontario) shall apply to all such bonds and the issue thereof, and such bonds shall be i-sued subject and accor ing 15 to and in conformity with the provisions of the said subsections.

22. The company may from time to time for advances of Mortgaging or money to be made thereon, mortgage or pledge any bonds bonds. which they may be enabled under the powers of this Act to 20 issue from the construction of the said railway.

23. The company may also construct an electric telegraph Telegraph and line and a telephone line in connection with their railway, and lines. for the purpose of constructing, working and protecting the said telegraph lines, the powers conferred upon telegraph com-25 panies by the Act respecting Telegraph Companies, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any cite, town, incorporated village or other munici-30 pality without the consent of the council of such city, town, village or other municipality being first obtained by the company; provided also that such telegraph and telephone lines be used exclusively for the purposes of the business of the company.

24 Should the shareholders of the company hereby incor- Authorizing porated resolve that the interests of the company would be ast for board. best promoted by enabling one or more of the directors to act for the company in any particula matter or matters, it shall be lawful for the directors, after such resolution, to confer 40 such power upon any one or more of their number.

25. Conveyance of land to the Company hereby incorpor- Form of ated for the purposes of and powers given by this Act made land to in the form set forth in Schedule A hereunder written, or to company. the like effect shall be sufficient conveyance to the said com-

45 pany, their successors and assigns of the estate and interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Constructing line on highways. 26. It shall and may be lawful for any municipality through which the said switch line of railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company here y incorporated to make their road an! lay their rails along any of the highways within such municipality 10 and whether or not the same by in the possession of or under the control of any joint stock company and if such highways be in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the company hereby incorporated 15 to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction and for the maintenance and repair of gravel and other public roads leading to the said switch line railway.

Constructing line on lands of Portland Cement Co

27. Subject to the provisions of section of this Act the switch line of railway hereby authorized to be built and constructed shall be so built and constructed on, over, along and upon lands owned by The National Portland Cement Company, Limited, and by said last mentioned company voluntarily sold, 25 given, conveyed or transferred to the company hereby incororated for the purposes of the said switch line of railway and its operation; and subject as aforesaid, the company hereby incorporated shall have or posses any right, power or authority to expropriate or take or have any lands for or in connection 30 with the said switch line of railway or the construction, working or operation thereof, without the consent of the owner or proprietor of such lands provided always that as to streets and highways and any crossing thereof by the said switch line of railway, the provisions of The Railway Act of Ontario shall 35 for all purposes, apply to the company hereby incorporated and to the switch line of railway hereby authorized.

Closing roads.

28. The company hereby incorporated shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have 40 the consent of the municipality in which the road is situated by a by-law passed for that purpose and provided a road adjacent thereto for the convenience of the public be provided in lieu of any such closed road.

Contracts for construction or equipment.

29. It shall be lawful for the directors of the company 45 hereby incorporated to enterinto a contract or contracts with any individual or association of individuals for the construction or equipment of the said switch line of railway, or any portion

thereof, including the purchase of the right of way and to pay therefor either in cash or bonds, in paid up stock or otherwise, as may be deemed expedient; provided that no such contract shall be of any force or validity until approved of by 5 two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

30. It shall be lawful for the directors of the company Agreements with other hereby incorporated to enter into an agreement with any com- companies. pany or companies (if lawfully authorized to enter into such 10 agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock or any other moveable property from such companies and persons, for such time and times and on such terms as may be agreed on, and also to enter into an agreement with any railway company or companies (if 15 so lawfully authorized) for the use by one or more of such contracting companies of the locamotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

20 31. The said provisional directors, or the elected directors, Payments in may pay or agree to pay, in paid up stock or in bonds of the bonds or paidcompany hereby incorporated, such sums as they may deem expedient to engineers or contractors, or for the right of way or material, plant or rolling stock, and a'so, when sanctioned 25 by a vote of the majority of the shareh lders present at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, 30 whether such promoters or other persons be provisional or elected directors or not and any such agreement so made shall be binding on the company.

32. The company hereby incorporated may enter into ar- Agreement rangement with the Grand Trunk Railway Company of Canada with Grand 35 and any other railway company, if lawfully authorized to enter other cominto such arrangement, for the leasing or working of the said panies. switch line of railway, either wholly or partially or for running power over same on such terms and conditions as the directors of the several contracting companies may agree on, and gener-40 ally may make any agreement or agreements with either or any of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway or the rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the 45 other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and

tenor thereof; and the company or companies leasing or entering into such an agreement for using the said switch line of railway may, and are, hereby authorized to work the said switch line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

### SCHEDULE A.

(Section 25).

Know all men by these presents that I (or we) (insert the name or names of the vendors) in consideration of dollars paid to me (or us) by The Durham Switch Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said Company for the purposes of their switch line of railway to hold with the appurtenances unto the said The Durham Switch Line Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required) and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hands and seal (or hands and seals) this

day of A.D. 1902.

Signed, sealed and delivered In the presence of



5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act to incorporate The Durham Switch Line Railway Company.

First Reading, 1902.

(Private Bill.)

Mr. Jamieson.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Durh m Switch Line Railway Company.

WHEREAS, The National Portland Cement Company, Peamble.
Limited, have by their petition prayed that William
Foster Cowham, managing director of The Peninsular Portland Cement Company, Limited, of the City of Jackson, in the
State of Michigan, one of the United States of America;
Phillip W Stanhope, manager of The National Portland Cement
Company, Limited; Frederick Barlow Cumberland, vessel
owner, and William Pinkerton, barrister-at-law, all of the City
of Toronto, in the County of York; Alexander F. McLaren,
M.P., manufacturer, of the City of Stratford, in the County
of Perth, and William McKechnie, of the Town of Durham,
in the County of Grey be incorporated under the name of
"The Durham Switch Line Railway Company" for the purpose of constructing, maintaining and operating a steam railway from the Grand Trunk Railway line at or near the Town
of Durham, in the Township of Bentinck, to a point at or
near Wilder's Lake, in the Township of Egremont, and the said
company have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the
said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. The said William Foster Cowham, Phillip W. Stanhope, Incorporation. Frederick Barlow Cumberland, William Pinkerton, Alexander F. McLaren and William McKechnie, together with such other persons as shall in pursuance of this Act, become shareholders in the company hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Durham Switch Line Railway Company," hereinafter called "the Company".
- 2. The company is hereby authorized and empowered to Location of survey, lay out, construct, complete and operate a switch line line. steam railway from a point at or near the easterly limit of the right of way over the Grand Trunk Railway Company of Canada where the lands of the said National Portland Cement Company butt upon such right of way and thence portheasterly to a point at or near Wilder's Lake in the Township of Egremont.

Guage.

3. The guage of the said switch line railway shall be four feet eight and one-half inches.

Provisional directors.

4. From and after the passing of this Act the said William Foster Cowham, Phillip W. Stanhope, Frederick Barlow Cumberland, Alexander F. McLaren, William Pinkerton and Gilbert McKechnie with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

- Rev. Stat.
- 5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payment on account of stock subscribed and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made and with all such other powers as under The Railway Act of Ontario are vested in ordinary directors; the said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock, who in their judgment would hinder, delay or prevent the company hereby incorporated from proceeding with and completing their undertaking under the provisions of this Act. If at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion, exclude anyone or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said switch line of railway; and all meetings of the provisional board of directors shall be held at the City of Toronto or at such other place as may best suit the interests of the said company.

Subscriptions for stock not binding unless approved.

6. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Capital stock.

7. The capital stock of the company shall be \$50,000, with power to increase the same in manner provided by the Railway Act of Ontario, to be divided into 500 shares of \$100 each, and shall be raised by the persons who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of aller fees, expenses and disbursements of and incidental to the obtaining of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder

of such money shall be applied to the making, equipment, completion and maintaining of the said switch line of railway, and to the other purposes of this Act.

8. When and so soon as shares to the amount of \$5,000 of First meeting the capital stock of the company shall have been subscribed directors. and ten per centum paid thereon into some chartered Bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them, present at a meeting duly convened for the purpose shall call a general meeting of the shareholders who shall have so paid ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said company.

9. In case the provisional directors neglect to call a meeting When for the space of three months after \$5,000 of the capital stock may call first shall have been subscribed, and ten per centum thereof so meeting. paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers collectively for not less than \$500 of the capital stock and who have paid up all calls thereon.

10 In either of the cases last mentioned, notice of the time Notice of and place of holding such general meeting shall be given by publication in at least one newspaper in the said City of Toronto once in each week for the space of at least one month and in he Untario Gazette; and such meeting shall be held in the said City of Toronto, at such place therein and on such day and at such hour as may be named and set forth in such notice.

11. At such general meeting the shareholders present election of either in person or by proxy, who shall at the opening of such meeting have paid up ton per centum on the stock subscribed by them, shall choose not less than three nor more than five persons to be directors of the company in manner and qualifind as hereinafter mentioned who shall constitute a board of direc ors and shall hold office until the next annual general mee ing; and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not incorsistent with this Act and the Railway Act of Ontario.

Rev. Stat.,

12. No person shall be qualified to be a director unless he Qualification be a shareholder holding at least ten shares of stock in the of directors. company hereby incorporated and unless he has paid up all calls thereon.

13. Aliens as well as British subjects, and whether resi-Rights of dent within this province or elsewhere, may be shareholders aliens. in the company; and all such shareholders shall be entitled

to vote on their shares equally with British subjects and shall also be eligible to hold office as directors in the said company

Subsequent annual meetings.

14. The annual general meetings of the company shall be held at such place in the said City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in The Ontario Gazette, and once in each week during the four weeks preceding the week in which such meeting is to be held in at least one newspaper published in the said City of Toronto.

Special general meetings of the said City of Toeral meetings. company may be held at such places in the said City of Toronto and at such times and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Number of votes.

16. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representatives of muni cipalities, etc., at meetings.

17. At all meetings of the shareholders of the company the stock held by such corporation as may be legally entitled to invest in the stock of the company may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Powers of directors in session.

18. Any meeting of the provisional or elected directors of the company regularly summoned at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ and pay one of their number as managing director.

Calla

19. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at no less intervals than one month, and notice of each call shall be given as provided in section 14 of this Act.

Transfer of shares.

20. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

21. The directors of the company shall have power to issue Bonding bonds of the company for the purpose of raising money for powers, prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said radway, and the provisions of subsections 19, 20, 21, 22 and 23, of section 9 of The Railway Rev. Stat., Act of Ontario shall apply to all such bonds and the issue c. 207. thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said subsections.

22. The company may from time to time for advances of Mortgaging or money to be made thereon, mortgage or pledge any bonds pledging which they may be enabled under the powers of this Act to bonds. issue for the construction of the said railway.

23. The company may also construct an electric telegraph Telegraph and line and a telephone line in connection with their railway, and telephone for the purpose of constructing, working and protecting the lines. said telegraph lines, the powers conferred up in telegraph companies by the Act respecting Telegraph Companies, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also that such telegraph and telephone lines be used exclusively for the purposes of the business of the company.

24. (onveyances of land to the company for the pur- Form of poses of and powers given by this Act made in the form conveyance of set forth in Schedule A hereunder written, or to the like company effect shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall te entitled to demand more than seventy five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

25. It shall and may be lawful for any municipality through Constructing which the said switch line of railway passes and having juris- line on highways. diction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality and whether or not the same be in the possession of or under the con-

trol of any joint stock company and if such highways be in the possession of or under the control of any joint stock company, then also with the assent of such company and under and subject to any agreement or agreements hereafter to be made between any such municipality and the company; and it shall and may be lawful for the company enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction and for the maintenance and repair of gravel and other public roads leading to the said switch line railway.

Contracts for construction

26. It shall be lawful for the directors of the company or equipment, to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the said switch line of railway or any portion thereof, including or excluding the purchase of the right of way and to pay therefor either in the whole or in part either in cash or bonds, or in paid up sock; provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Agreements with other companies.

27. It shall be lawful for the directors of the company to enter into an agreement with any company or companies (if lawfully authorized to enter into such agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock or any other moveable property from such companies and persons, for such time and times and on such terms as may be agreed on, and also to enter into an agreement with any railway company or companies (if so lawfully authorized) for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Payments in bonds or paid-up stock.

28. The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and a'so, when sanctioned by a vote of the majority of the shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any such agreement so made shall be binding on the company.

Agre ment with Grand Trunk and

29. The company may enter into arrangement with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, if lawfully authorized to enter Canadian into such arrangement, for the leasing or working of the said Pacific companies. switch line of railway, either wholly or partially or for running power over same on such terms and conditions as the directors of the several contracting companies may agree on, and generally may make any agreement or agreements with either or both of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway or the rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company or companies leasing or entering into such an agreement for using the said switch line of railway may, and are, hereby authorized to work the said switch line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

5.30. The several clauses of The Railway Act of Ontario, and Application of Rev. Stat., of every act in amendment thereof, shall be incorporated with, c. 207. and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expre-sion "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

#### SCHEDULE A.

(Section 24).

Know all men by these presents that I (or we) (insert the name or names of the vendors) in consideration of dollars paid to me (or us) by The Durham Switch Line Railway Company, the receipt whereof is hereby acknowledged, dogrant and convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said Company for the purposes of their switch line of railway to hold with the appurtenances unto the said The Durham Switch Line Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required) and I (or we), the wife (or wive ) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hands and seal (or hands and seals) this day of

A.D. 1902.

Signed, sealed and delivered In the presence of

2 Edward VII., 1902.

## BILL.

An Act to incorporate The Durham Switch Line Railway Company.

First Reading, 30th January, 1902.

(Reprinted as amended by Railway Committee.)

Mr. Jamieson.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Essex and Kent Radial Railway Company.

WHEREAS George Stephens and others were by an Act pas-Preamble. sed in the first year of His Majesty's reign, chaptered 39 incorporated as a company under the name of "The Essex and Kent Radial Railway Company" for the purpose of construct-5 ing, equipping, maintaining and operating by electricity a railway through certain portions of the Counties of Essex and Kent; and whereas by section 12 of the said Act it was provided that the said railway should be commenced and completed within the times therein set out; and whereas the said 10 company has obtained certain franchises in connection with the said railway but have been unable to commence the same within the time mentioned in said section 12 and have by their petition prayed that the time for the commencement of said railway should be extended for a period of one year from 15 the passing of this Act and that the powers of the company be otherwise enlarged in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 20 as follows:

1. The Act passed in the first year of His Majesty's reign, 1 Edw. VII., chaptered 89 is hereby revived and the said "The Essex and c 89 revived and corpora-Kent Radial Railway Company" is declared to be and to have to conbeen from the date of the passing of caid Act an existing cortinued. 25 poration as incorporated by and subject to the provisions of the said Act as amended by this Act, and the time for the commencement of the railway is hereby extended to one year from the passing of this Act and for the completion thereof to two (2) years therefrom.

The said company is hereby empowered not withstanding the Bonding provisions of The Electric Railway Act to issue bonds, debenRev. Stat.
tures or other securities to an amount not exceeding \$25,000 c. 209. per mile of its line of railway.

## BILL.

An Act respecting the Essex and Kent Radial Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr.

TORONTO
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Essex and Kent Radial Railway Company.

WHEREAS George Stephens and others were by an Act pas- Preamble. sed in the first year of His Majesty's reign, chaptered 78 incorporated as a company under the name of "The Essex and Kent Radial Railway Company" for the purpose of constructing. equipping, maintaining and operating by electricity a railway through certain portions of the Counties of Essex and Kent; and whereas by section 12 of the said Act it was provided that the said railway should be commenced and completed within the times therein set out; and whereas the said company has obtained certain franchises in connection with the said railway but have been unable to commence the same within the time mentioned in said section 12 and have by their petition prayed that the time for the commencement of said railway should be extended for a period of one year from the 1st day of May, 1902, and the time for the completion thereof to two years from the said date; and whereas by reason of the said railway crossing the tracks of The Lake Erie and Detroit River Railway Company, The Michigan Central Railway Company, The Canadian Pacific Railway Company and The Grand Trunk Railway Company of Canada, and the Cunard and Ruscombe Rivers, the Big Creek, Tremblay Creek, Jeannette Creek and other numerous watercourses and stretches of swampy land, the construction of the said railway is rendered difficult and expensive; and whereas the said company has prayed that the borrowing powers of the said company may be increased in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of chapter 78 of the Acts passed in the 1st 1 Edw. VII., year of His Majesty's reign, intituled An Act to incorporate c. 78, s. 1.

The Essex and Kent Radial Railway Company is repealed.

The railway shall be commenced within one year from Time for comthe 1st day of May, 1902, and be completely built and in mencement operation within two years from said date. pletion.

Bonding powers.

and empowered to issue bonds, debentures or other securities for the purpose of raising money for prosecuting their undertaking, but the whole amount of such bonds, debentures or other securities shall not exceed the sum of \$25,000 for each mile of the railway of the company, and except as herein provided, the borrowing powers of the company shall be governed by The Electric Railway Act

Rev. Stat. c. 200.



5th Session 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the Essex and Kent Radial Railway Company.

First Reading, 4th February, 1902.

(Reprinted as amended by Railway Committee.)

Mr. McKee.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

#### An Act respecting the Hamilton Radial Electric Railway Company.

WHEREAS the Hamilton Radial Electric Railway Com- Preamble. W pany (hereinafter called "the company") has by petition represented that the company was incorporated by an Act of the Legislative Assembly of the Province of Ontario, 5 57 Vict., chapter 88, and thereby was among other things authorized to construct and operate a railway from the City of Hamilton to the Village of Burlington in the County of Halton, and thence to the Village of Mimico in the County of York; and whereas this company has completed and has had 10 in operation for the last five years that portion of the said line between the said City of Hamilton and the Village of Burlington, and has made arrangements for forthwith extending its line to the Town of Oakville and on towards the City of Toronto, and is desirous of obtaining authority to extend 15 its line from the said Village of Mimico to the City of Toronto and certain further powers as herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 20 as follows:-

1. The company is hereby authorized to extend its line Power to exfrom the said Village of Mimico to some point in the City of tend line from Mimico to

2. The company may from time to time enter into agree- Agreements 25 ments with other electric railway companies whose lines in-with other electric railtersect or connect with any of the company's lines for making, way companmaintaining and operating such connections and all necessary ies. works in conjunction therewith; for providing for interchange of passengers and freight traffic for the use by either company 30 of the tracks, rolling stock or other property, or of the privi-

lege rights or franchises of the other, or for the supply of motive power, light or heat or services of any nature by either company to the other; or for making running arrangements or joint traffic arrangements, either passenger or 35 freight, with other companies, or for the selling or leasing to any other company of any part of the company's lands, tracks,

rolling stock, plant, buildings or structures or rights, privileges or franchises upon such terms as to compensation as may be agreed upon.

Amalgamation with other lines. 3. The company may also enter into agreements with other electric railway companies for the amalgamation of the company, or of any of the lines or branches of the company's railway, or of any part of any of such lines or branches with such other electric railway companies, or any line or branch of railby thereof.

Agreements to require approval of shareholders.

4. Provided however that no agreement entered into with any other company under the provisions of sections 2 and 3 hereof shall be valid unless approved by at least two thirds in value of the shareholders of the company at a special general 10 meeting to be called and held for that purpose.



5th Session, 9th Legislature, 2 Edward VII., 1902.

### DILLI.

An Act respecting the Hamilton Radial Electric Railway Company.

First heading,

1902.

Mr. CARSCALLEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confer certain Powers on the Trustees of the Will of the late John Bacon.

WHEREAS Harriet Bacon, William J. Mitchell, Francis J. Preamble.
Phillips and Charles Henry Ritchie all of the City of Toronto, in the County of York, trustees under the will of John Bacon, late of the said City of Toronto, deceased, have by their petition represented that the said John Bacon made and published his last will and testament as follows:—

This is the last will and testament of me, John Bacon, of the

City of Toronto, in the County of York, Gentleman.

I give and bequeath to the Hospital for Sick Children, The 10 Toronto Home for Incurables, and The Irish Protestant Benevolent Society, the sum of one hundred dollars each.

I give and bequeath to my wife Harriet Bacon, all my furniture, plate, linen, glass and other household effects for her own

use absolutely.

15 I desire my executors hereinafter named to pay all my just debts and funeral and testamentary expenses and to expend a sum not exceeding one thousand dollars in ornamenting my burial plot in Saint James' Cemetry and erecting a monument thereon.

I give and bequeath to my wife Harriet Bacon, the sum of

five thousand dollars for her own use absolutely.

All the rest and residue of my estate, real and personal I give, devise and bequeath to my said executors to hold in trust.

Firstly. In their discretion to sell and convert into money 25 such parts thereof as shall not consist of money or securities therefor and keep invested the proceeds of such sales as well as all other monies belonging to my estate in first mortgages of real estate in the Province of Ontario, or in the capital stock of loan savings companies, lending their money on such mort-

30 gages, or in government or municipal debentures in the Dominion of Canada, and such and all other investments from

time to time at pleasure to vary and transpose.

Secondly. Out of the income of my said estate to pay to my said wife the sum of twenty-two hundred and fifty dollars 35 per annum, payable in advance in equal monthly instalments

during her lifetime for her own use.

Thirdly. During the lifetime of my said wife to pay to each of my daughters, Harriet Mitchell, Annie Phillips and Marian Anglin, the sum of five hundred dollars per annum, payable in

40 quarterly instalments.

Fourthly. Until the death of my said wife to allow my said daughter Marian Anglin to occupy the house on Sullivan Street, in Toronto, now occupied by her free from rent so long

as she occupies the same.

Fifthly. To pay to my son Edward S. Bacon, the sum of four hundred dollars per annum, in equal quarterly instalments, during the lifetime of my said wife so long as his conduct shall be entirely satisfactory to a majority of my trustees, and in the event of his so conducting himself as not to meet with the approval of a majority of my said trustees, they shall be em- 10 powered to withhold from the payment of the said sum, until they shall be again satisfied with his conduct, and the said sum whenever so withheld shall be added to and form part of my residuary estate.

Sixthly. During the lifetime of my said wife to allow the 15 income arising from my said residuary estate after payment thereout of the annuities aforesaid and of the expenses of management to accumulate and be added to the principal.

Seventhly. To allow my son-in-law Francis John Phillips to retain the sum of fifteen thousand dollars now loaned by 20 me to him until the expiration of ore year after the death of my wife he continuing to pay interest thereon at the rate of

five per cent. per annum quarterly as at present.

Eightly. On the expiration of one year from the death of of my said wife my said trustees shall collect from my said 25 son-in-law Francis John Phillips the sum of five thousand dollars part of the said sum of fifteen thousand dollars loaned by me as aforesaid, and shall assign and transfer to my daughter Annie Phillips for her own separate use absolutely, the remaining debt or sum of ten thousand dollars owing by said Francis 30 John Philips.

Ninthly. To pay to each of my said daughters Harriet Mitchell and Marian Anglin the sum of ten thousand dollars, and to my son Edward S. Bacon the sum of six thousand dollars payable in four equal instalments at the expiration of six, twelve, 35 eighteen and twenty-four months respectively after the death

of my said wife.

Tenthly. After the death of my wife to pay to each of said four children during their respective lives the interest on one-fourth of the balance of my estate which shall then re-40 main in the hands of said trustees after payment of the

legacies aforesaid.

Eleventhly. On the death of any of my said children to pay over after the death of my wife the amount on which he or she shall have been entitled to interest during his or her 45 life to the child of the one so dying or if there be more than one child to divide the said amount equally share and share alike among the children of the one so dying, and in the event of there being no such child or children, to divide the said amount equally share and share alike among my other children, 50 and the issue of any who may be dead, the issue of any of said children who shall be dead being entitled to their parents share in equal proportions, but in the event of any of my

grandchildren being under the age of twenty-one years when he or she shall become entitled to a share of the said monies as aforesaid the income thereon shall be paid to his or her guardian to be applied to his or her maintenance, education 5 and support until he or she shall attain the age of twenty-one years, and on his or her attaining that age the said share shall be paid over to him or her, and I direct that the provision hereinbefore made for my said wife shall be in lieu of dower, and of all claims for dower in my real estate and that all 10 sums bequeathed to my said daughters shall be for their sole and separate use and free from all control, debts or obligations of their present or any future husbands and they shall have no power to mortgage, charge, assign or anticipate any part of the income payable to them under the terms of this my will.

And I hereby declare that as often as any of the trustees hereby appointed or to be appointed under this power shall die or remove from the Dominion of Canada or desire to be discharged from or refuse or decline or become incapable in any way to act in the trusts hereby declared before the same

20 shall be fully executed, then and in every such case it shall be lawful for the trustee or trustees for the time being continuing to act in the trusts aforesaid or for the executors or administrators of the last surviving trustee by any writing to appoint another person to be a trustee or trustees in the place of the

25 trustee or trustees so dying or removing from the said Dominion or desiring to be discharged or refusing, declining or becoming incapable to act as aforesaid, and such appointment may be so made as either to maintain or enlarge or diminish the original number of trustees and upon the appointment of

30 every such new trustee as aforesaid all the trust estate, monies and premises shall thereupon with all convenient speed be legally and effectually vested in such new trustee or trustees either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require and every such new trustee

35 as well before as after the trust estate shall have been vested in him shall have all the powers and authority of the trustee in whose room he shall be substituted.

Provided, nevertheless, that the majority of the trustees, at any time acting in the trusts hereof, shall have full power to 40 act in and carry out the trusts hereof, and that all payments made to a majority of the said trustees and all deeds, leases, assignments, transfers, discharges, receipts and other documents executed or signed by a majority of the said trustees at the time acting in the said trusts estate and upon all persons 45 beneficially interested therein as if made to and executed by

all the trustees then acting in the said trusts.

And I hereby appoint my said wife, Harriet Bacon, executrix and trustee, and William J. Mitchell of Winnipeg, and Francis J. Phillips and Charles H. Ritchie of Toronto, execu-

50 tors and trustees of this my will.

And I hereby revoke all former wills and codicils by me made and declare this to be my last will and testament.

Dated at Toronto, this twenty-sixth day of May in the year one thousand eight hundred and eighty-eight.

(Signed) JOHN BACON.
Signed and declared by the said testator as his last will and testament before us both, present at the same time, who in his presence and in the presence of each other and at the request of the said testator have hereunto set our hands as witnesses. (Sgd.) EDWARD ADAMSON, of 161 Yonge St. (Sgd.) J. A. WORRELL, of 18 and 20 King St., Toronto.

And that the said testator died on or about the fourth day 10 of June, 1889; and that probate of the said will was duly granted by the said court of the County of York on the thirteenth day of July, 1889, to the said petitioners, Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie; and that a considerable portion of the trust estate 15 consists of vacant lots in the City of Toronto, that the said vacant lots are situated in localities where land is likely to increase in value; that at the present time it would be impossible to make sales of the land while vacant to advantage, but if dwelling houses were erected thereon they would prove 20 a valuable asset for the estate, and ready sale could be found for the houses if it was found to be in the interests of the estate to make sales; and that the said trustees have in their hands uninvested, belonging to the said estate about thirty thousand dollars; and that it would be a great advantage to 25 the estate if the said trustees were empowered to invest such portion of said sum of thirty thousand dollars as they may deem advisable in the interests of the estate in the improvement of vacant lands belonging to the said estate, by the erection of dwelling houses or stores thereon, and the said trus- 30 tees have therefore petitioned for an Act to enable them to invest the moneys of the said estate in the manner hereinbefore mentioned, and it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent 35 of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to invest trust funds in the improvement of vacant lands in Toronto.

1. The said Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie, trustees as aforesaid, and their successors in such trust are hereby declared to have and 40 shall have power at their discretion to invest a sum or sums from time to time not exceeding in the whole thirty thousand dollars of the moneys which are now or which may hereafter be held by them under the said will upon the trusts therein mentioned, in the improvement of the vacant lands n the City 45 of Toronto belonging to the said estate, by erecting houses or stores thereon, as they may deem advisable, and according to such plans and specifications as to them may seem suitable.



5th Session, 9th Legislature, 2 Edward VII., 1902.

## RILL

An Act to confer certain Powers on the trustees of the Will of the late John Bacon.

First Reading,

1902.

(Private Bill.)

MR. PYNE.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act to confer certain Powers on the Trustees of the Will of the late John Bacon.

WHEREAS Harriet Bacon, William J. Mitchell, Francis J. Preamble. Phillips and Charles Henry Ritchie all of the City of Toronto, in the County of York, trustees under the will of John Bacon, late of the said City of Toronto, deceased, have by their petition represented that the said John Bacon made and published his last will and testament as follows:—

"This is the last will and testament of me, John Bacon, of the

City of Toronto, in the County of York, Gentleman.

"I give and bequeath to the Hospital for Sick Children, The Toronto Home for Incurables, and The Irish Protestant Benevolent Society, the sum of one hundred dollars each.

"I give and bequeath to my wife Harriet Bacon, all my furniture, plate, linen, glass and other household effects for her own

use absolutely.

"I desire my executors hereinafter named to pay all my just debts and funeral and testamentary expenses and to expend a sum not exceeding one thousand dollars in ornamenting my burial plot in Saint James' Cemetry and erecting a monument thereon.

"I give and bequeath to my wife Harriet Bacon, the sum of

five thousand dollars for her own use absolutely.

"All the rest and residue of my estate, real and personal I give, devise and bequeath to my said executors to hold in trust.

"Firstly. In their discretion to sell and convert into money such parts thereof as shall not consist of money or securities therefor and to invest and keep invested the proceeds of such sales as well as all other monies belonging to my estate in first mortgages of real estate in the Province of Ontario, or in the capital stock of loan savings companies, lending their money on such mortgages, or in government or municipal debentures in the Dominion of Canada, and such and all other investments from time to time at pleasure to vary and transpose.

"Secondly. Out of the income of my said estate to pay to my said wife the sum of twenty-two hundred and fifty dollars per annum, payable in advance in equal monthly instalments

during her lifetime for her own use.

"Thirdly. During the lifetime of my said wife to pay to each of my daughters, Harriet Mitchell, Annie Phillips and Marian Anglin, the sum of five hundred dollars per annum, payable in quarterly instalments.

"Fourthly. Until the death of my said wife to allow my said daughter Marian Anglin to occupy the house on Sullivan Street, in Toronto, now occupied by her free from rent so long

as she occupies the same.

"Fifthly. To pay to my son Edward S. Bacon, the sum of four hundred dollars per annum, in equal quarterly instalments, during the lifetime of my said wife so long as his conduct shall be entirely satisfactory to a majority of my trustees, and in the event of his so conducting himself as not to meet with the approval of a majority of my said trustees, they shall be empowered to withhold from him the payment of the said sum, until they shall be again satisfied with his conduct, and the said sum whenever so withheld shall be added to and form part of my residuary estate.

"Sixthly. During the lifetime of my said wife to allow the income arising from my said residuary estate after payment thereout of the annuities aforesaid and of the expenses of management to accumulate and be added to the principal.

"Seventhly. To allow my son in law Francis John Phillips to retain the sum of fifteen thousand dollars now loaned by me to him until the expiration of ore year after the death of my wife he continuing to pay interest thereon at the rate of

five per cent. per annum quarterly as at present.

"Eightly. On the expiration of one year from the death of of my said wife my said trustees shall collect from my said son-in-law Francis John Phillips the sum of five thousand dollars part of the said sum of fifteen thousand dollars loaned by me as aforesaid, and shall assign and transfer to my daughter Annie Phillips for her own separate use absolutely the remaining debt or sum of ten thousand dollars owing by said Francis John Phillips.

"Ninthly. To pay to each of my said daughters Harriet Mitchell and Marian Anglin the sum of ten thousand dollars, and to my son Edward S. Bacon the sum of six thousand dollars payable in four equal instalments at the expiration of six, twelve, eighteen and twenty-four months respectively after the death

of my wife.

"Tenthly. After the death of my wife to pay to each of said four children during their respective lives the interest on one-fourth of the balance of my estate which shall then remain in the hands of my trustees after payment of the

legacies aforesaid.

"Eleventhly. On the death of any of my said children to pay over after the death of my wife the amount on which he or she shall have been entitled to interest during his or her life to the child of the one so dying or if there be more than one child to divide the said amount equally share and share alike among the children of the one so dying, and in the event of there being no such child or children, to divide the said amount equally share and share alike among my other children, and the issue of any who may be dead, the issue of any of my said children who shall be dead being entitled to their parents share in equal proportions, but in the event of any of my

grandchildren being under the age of twenty-one years when he or she shall become entitled to a share of the said monies as aforesaid the income thereon shall be paid to his or her guardian to be applied to his or her maintenance, education and support until he or she shall attain the age of twenty-one years, and on his or her attaining that age the said share shall be paid over to him or her, and I direct that the provision hereinbefore made for my wife shall be in lieu of dower, and of all claims for dower in my real estate and that all sums bequeathed to my said daughters shall be for their sole and separate use and free from all control, debts or obligations of their present or any future husbands and they shall have no power to mortgage, charge, assign or anticipate any part of the income payable to them under the terms of this my will.

"And I hereby declare that as often as any of the trustees hereby appointed or to be appointed under this power shall die or remove from the Dominion of Canada or desire to be discharged from or refuse or decline or become incapable in any way to act in the trusts hereby declared before the same shall be fully executed, then and in every such case it shall be lawful for the trustee or trustees for the time being continuing to act in the trusts aforesaid or for the executors or administrators of the last surviving trustee by any writing to appoint another person to be a trustee or trustees in the place of the trustee or trustees so dying or removing from the said Dominion or desiring to be discharged or refusing, declining or becoming incapable to act as aforesaid, and such appointment may be so made as either to maintain or enlarge or diminish the original number of trustees and upon the appointment of every such new trustee as aforesaid all the trust estate, monies and premises shall thereupon with all convenient speed be legally and effectually vested in such new trustee or trustees either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require and every such new trustee as well before as after the trust estate shall have been vested in him shall have all the powers and authority of the trustee in whose room he shall be substituted.

"Provided, nevertheless, that the majority of the trustees, at any time acting in the trusts hereof, shall have full power to act in and carry out the trusts hereof, and that all payments made to a majority of the said trustees and all deeds, leases, assignments, transfers, discharges, receipts and other documents executed or signed by a majority of the said trustees at the time acting in the said trusts shall be as valid and binding upon the said trusts estate and upon all persons beneficially interested therein as if made to and executed by all the trustees then acting in the said trusts.

"And I hereby appoint my said wife, Harriet Bacon, executrix and trustee, and William J. Mitchell of Winnipeg, and Francis J. Phillips and Charles H. Ritchie of Toronto, execu-

tors and trustees of this my will.

"And I hereby revoke all former wills and codicils by me made and declare this to be my last will and testament.

"Dated at Toronto, this twenty-fifth day of May in the year one thousand eight hundred and eighty-eight.

(Signed) John Bacon.

"Signed and declared by the said testator as his last will and testament before us both, present at the same time, who in his presence and in the presence of each other and at the request of the said testator have hereunto set our hands as witnesses. (Sgd.) Edward Adamson, of 161 George St. (Sgd.) J. A. Worrell, of 18 and 20 King St., Toronto."

And that the said testator died on or about the fourth day of June, 1889; and that probate of the said will was duly granted by the Surrogate Court of the County of York on the thirteenth day of July, 1889, to the said petitioners, Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie; and that a considerable portion of the trust estate consists of vacant lots in the City of Toronto, that the said vacant lots are situated in localities where land is likely to increase in value; that at the present time it would be impossible to make sales of the land while vacant to advantage, but if dwelling houses were erected thereon they would prove a valuable asset for the estate, and ready sale could be found for the houses if it was found to be in the interests of the estate to make sales; and that the said trustees have in their hands uninvested, belonging to the said estate about thirty thousand dollars; and that it would be a great advantage to the estate if the said trustees were empowered to invest such sum of money not exceeding fifty thousand dollars as they may deem advisable in the interests of the estate in the improvement of vacant lands belonging to the said estate, by the erection of dwelling houses or stores thereon, and the said trustees have therefore petitioned for an Act to enable them to invest the moneys of the said estate in the manner hereinbefore mentioned, and it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legis'ative Assembly of the Province of Ontario, enacts as follows:

Power to invest trust funds in the improvement of vacant lands in Toronto.

1. The said Harriet Bicon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie, trustees as aforesaid, and their successors in such trust, shall have power, and they are hereby authorized and empowered at their discretion to invest a sum or sums from time to time not exceeding in the whole fitty thousand dollars of the moneys which are now or which may hereafter be held by them under the said will upon the trusts therein mentioned, in the improvement of the vacant lands n the City of Toronto belonging to the said estate, by erecting houses or stores thereon, as they may deem advisable, and according to such plans and specifications as to them may seem suitable.



5th Session. 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act to confer certain Powers on the trustees of the Will of the late John Bacon.

First Reading, 20th January, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Pyne.

TORONTO:

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

No. 49.]

### BILL

[ 1902.

An Act to amend the Act of Incorporation of The Toronto Stock Exchange.

WHEREAS The Toronto Stock Exchange has, by its peti Preamble.

tion, represented that it was incorp rated by Act of the
Legislature of Ontario passed in the forty-first year of the
reign of Her late Majesty Queen Victoria, chapter 65.
intituled "An Act to incorporate The Toronto Stock Exchange;"
that by the said Act of Incorporation, membership in the said
Exchange was limited to persons residents of Toronto; and
that it is desirable to extend the membership so as to include
persons resident elsewhere than in Toronto; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legi-lative Assembly of the Province of Ontario, enacts as follows:

1. Section five of chapter 65 of the Acts passed in 41 V. c. 65, s. 15 the forty-first year of the reign of Her late Majesty Queen 5, amended. Victoria, intituled "An Act to incorporate The Toronto Stock Exchange," is hereby amended by striking out the words "residents of Toronto" where they appear in said section.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to amend the Act of Incorporation of The Toronto Stock Exchange.

First Reading,

1902.

(Private Bill).

Mr. Foy.

TOR()NTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the London Railway Company.

WHEREAS Frederick George Rumball of the City of Preamble. VV London in the County of Middlesex in Ontario, manufacturer, Thomas Hunter Purdom of the same place, Esquire, one of His Majesty's counsel learned in the law, 5 Thomas Caswell Knott of the same place, accountant, Alfred Ernest Welch of the same place, stockbroker, Robert McEwen of the Township of Westminster in the said County of Middlesex, Esquire, a Lieutenant-Colonel of His Majesty's forces in Canada, James Boles of the Town of Ingersoll in the County 10 of Oxford in Ontario aforesaid, merchant, O'Brien O'Donnell of the said City of London, capitalist, and Thomas Henry Luscombe of t'e said City of London, barrister-at law, have by their petition prayed for an Act of incorporation under the name of the London Railway Company for the purposes of 15 constructing and operating a system of electric railways in and through the following municipalities namely, (1) the City of London and the Town of Glencoe and the villages and townships intervening, and (2) the Village of Delaware and the Town of Strathroy and the villages and townships inter-20 vening, and (3) the City of London and the Town of Ingersoll and the villages of Dorchester and Thamesford and the townships intervening, and (4) the Village of Thamesford and the City of Brantford and the intervening municipalities, and (5) the City of Brantford and the City of Hamilton and the 25 intervening municipalities; and with power to construct and operate radial extensions (from any points on the said lines) and loops and connecting lines; and to carry passengers and freight and parcels on the lines so constructed and operated and to construct and operate telegraph and telephone systems 30 in connection with the railway and for the public use and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts 35 as follows:—

1. The said Frederick George Rumball, Thomas Hunter Incorporation. Purdom, Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry

Luscombe and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of the "London Railway Company."

Location of lines.

2. The said company and their servants and agents are 5 hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity or other motive power or partly by compressed air and partly by electricity or other motive power and from time to time remove and change a double or single 10 track iron or steel railway of the gauge of four feet eight and one-half inches with one or more branch or branches and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of London through the said city the Town 15 of Glencoe and the villages and townships intervening, the Village of Delaware, the Town of Strathroy the villages and townships intervening the City of London and the Town of Ingersoll, the villages of Dorchester and Thamesford and the townships intervening, the Village of Thamesford and the 20 City of Brantford and the intervening municipalities, the City of Brantford and the City of Hamilton and the intervening municipalities, with power to build any part or branch of the said railway in sections. The said railway may be carried along and upon such streets and highways and railway tracks or lines 25 as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively and the 30 said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of such motive power as they may be authorized by the council of the several municipalities by by-law to use and to construct and maintain all necessary 35 works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

Provisional directors.

3. Frederick George Rumball, Thomas Hunter Purdom, 40 Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry Luscombe shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum, and shall hold office as such until other directors 45 shall be appointed under the provisions of The Electric Railway Act.

Rev. Stat. c. 209.

of company.

First meeting 4. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and

ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and shall on no account be withdrawn therefrom unless for the services of the company, the said 5 provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company giving at least four weeks notice by advertisement in *The Ontario Gazette* and in one or more papers published in the City of London in the said County of 10 Middlesex, of the time, place and purpose of the said meeting.

5. The number of directors shall not be less than five or Number of more than nine.

6. The company is hereby authorized and empowered to Construction take and make the surveys and levels of the lands through of railway in 15 which the said railways are to pass, together with the map or sections. plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as Rev. Stat., then ascertained and also a statement in accordance with the c. 209. provisions of section 27 of The Electric Railway Act and to 20 deposit the same as required by the clauses of the said Elec-

tric Railway Act, and amendments thereto, with respect to

plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sec-25 tions or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Ruilway Act, and the amendments thereof, applied to, included in 30 or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the

said railways are to pass, together with the map or plan of the 35 whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined certified and deposite according to the said clauses of the said Electric Railway Act and the amendments thereof 40 with respect to "plans and surveys."

7. The head office of the said company shall be at the said Head office City of London and all the meetings of the provisional board of directors of the company shall be held at the said City of London or at such other place as may best suit the interests of 45 the company.

8. The provisional directors or the elected directors may Making cerpay or agree to pay, in paid up stock or in the bonds of the tain payments company, such sums as they may deem expedient to engineers in paid up and contractors, or for right of way or material, plant or roll-bonds.

ing stock, and also when sanctioned by a vote of the shareholders at any general me ting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, 5 material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company and the holders of any such stock shall not be liable in any way there-

10

Capital stock.

9. The capital stock of the company shall be \$500,000 to be divided into 5,000 shares of \$100 each.

Subscriptions not binding until approved.

10. No subscription for stock in the capital stock of the company, shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per 15 centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subsequent annual meeting.

11. Thereafter the general annual meeting of the shareholders of the company for the election of a board of not less than five nor more than nine directors and the transaction of 20 other business connected with or incident to the undertaking shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by laws of the company, and public notice thereof shall be given at least four weeks 25 previously in The Ontario Gazette and once a week for the same period in some newspaper published in the City of London.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such places, and at such times and in 30 such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Management of company.

13. The affairs of the company shall be managed by the board of directors, a majority of whom shall constitute a 35 quorum.

Paying for rights and property acquired by allotment of stock.

14. The directors may allot and issue shares of the capital stock of the company as paid up stock as the consideration for the acquisition of any undertakings, railways, franchises, rights, powers, privileges, and real and personal property; and 40 such allotment and issue of stock shall be binding on the company, and the holders thereof shall not be liable in any way thereon.

Rights of aliens.

15. Aliens and companies incorporated abroad as well as British and Canadian subjects and corporations, whether resi- 45 dent in this province or elsewhere shall be entitled to vote on

their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

16. Any corporation which may hold shares in the com- Representation of corpopany may by by-law appoint any person or persons to repre-ration share-5 sent such corporation at any meeting of the said company, and holders. every such person shall be eligible for election as a director.

17. No person shall be elected a director unless he or a cor-Qualification of directors. poration represented by him is the owner and holder of ten shares of stock in the company upon which all calls have been 10 paid.

- 18. The directors of the company may from time to time By-laws of make by-laws not contrary to law or to this Act to regulate. directors.
- (a) The allotment of stock; the making of calls thereon; Stock the payment thereof; the issue and registration of certificates 15 of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock;
  - (b) The declaration and payment of dividends;

Dividends.

- (c) The term of service not exceeding two years and the Directors' 20 amount of the stock qualification of the directors;
  - (d) The appointment, functions, duties and removal of all Officers. officers, agents and servants of the company; the security to be given by them to the company; and their remuneration;
- (e) The time at which, and the place where the general Mertings. 25 meeting of the company shall be held; the calling of meetings regular and pecial, of the Board of Directors and of the company; the quorum; the requirements as to proxies; the procedure in all things at such meetings;
- (f) The imposition and recovery of all penalties and for-Fines. 30 feitures admitting of regulation by by law; and
  - (q) The conduct in all other particulars of the affairs of the Conduct of company; and may from time to time repeal, amend or re-affairs enact the same; but every such by-law, and every such repeal, generally. amendment, or re-enactment thereof, unless in the meantime Confirmation

35 confirmed at a general meeting of the company duly called for of by laws. that purpose, shall only have force until the next annual meeting of the company: and in default of confirmation thereat shall, at and from that time only, cease to have force; and in that case no new by-law to the same or to the like

40 effect shall have any force until confirmed at a general meeting of the company; provided, however, that the company By-laws may shall have power, either at the general meeting called as afore-be varied. said, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with, any by-laws which have

45 been passed by the directors, but no Act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Tolls on fruit and milk.

19. The company may make special rates for the carriage of fruit and milk and other perishable goods.

Dangerous goods. 20. No person shall be entitled to carry or to require the company to carry upon their railway aqua fortis, oil of vitrol, gun powder, lucifer matches or any other goods which, in the judgment of the company are of a dangerous nature; and if any persons send by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other 10 servant of the company with whom the same are left, he shall forfeit to the company the sum of \$20 for every such offence.

Negotiable r struments.

21. The company may become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, drawn, accepted 15 or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by laws of the company shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, shall be 20 presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary be shown, and in no case shall it be nece-sary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or secretary or other officer so 25 authorized be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without proper authority; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory n te or bill of exclange payable to 30 beater, or intended to be circulated as money or as the notes or bills of a bank.

Laying rails on highways. 22. Any municipality through which the said railway passes and having jurisdiction in the premises may pass a bylaw or by-laws emp wering the said company to make their 35 road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements 40 hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the 45 maintenance and repair of gravel or other public roads leading to or used by the said railway.

Crossing other lines on the nevel.

23 Notwithstanding any provision to the contrary in any other Act, the said company's railway may cross the railway

of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

24. Any passenger refusing to pay his fare may with his Ejection of 5 baggage, by the conductor of the train and other servants of passengers retusing to pay the company, be put out of the cars at any usual stopping place fare, etc. or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

25. The company may also construct an electric telegraph Telegraph and 10 line and a telephone line through and along the whole line of telephone their milway and the branches thereof are any part of the said lines. their railway and the branches thereof or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by The Act

15 Respecting Telegraph Companies, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council

20 of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

26. Whenever it shall be necessary for the purpose of pro-power to 25 curing sufficient land for stations, or gravel pits, or for con-purchase structing, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by

30 purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient.

27. The said company shall have power to agree for con-Running arnections and making running arrangements with any company rangements or companies now or hereafter lawfully authorized to construct nections with and operate a railway or railways if lawfully empowered to other comenter into any such agreement upon terms to be approved by panies.

40 two thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of them if lawfully authorized to enter into such an agreement for the sale or leasing or hir-

45 ing of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the t rms and tenor thereof, and the company 5 purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the 10 same may affect the company hereby incorporated or the railway to be built under the authority of this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Acquiring lands for natural gas rights. 28. The said company shall have power and authority to receive, purchase, hold and take of any corporation or person any land for the purpose of boring for natural gas, and to bore for natural gas, and in case same is found, to pipe the same along the lines of the railway and to 20 enter into an agreement or agreements with any person, firm or corporation for the purchase, leasing or hiring by such person, firm or corporation of any surplus natural gas, for heating, lighting or manufacturing purposes or for any other purpose for which the same may be or can be used by such 25 purchaser, lessee or hirer.

Contracts for construction and equipment.

29. The provisional directors may enter into a contract or contracts with any in ividual or association of individuals or corporation for the construction or equipment of the railway or any part thereof including or excluding the purchase of 30 r ght of way and may pay either in whole or in part for such construction and equipment with the bonds or debentures to be issued as hereinafter provided, or by the issue of paid up stock, or partly in one mode and partly in another as to the provisional directors may seem fit.

Power to issue bonds, debentures and other securitics and to raise money thereon.

- 30. The provisional directors of the company may issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by their secretary which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debendures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per cent. Prannum as the provisional directors may think proper; but the whole amount of the issue of such bonds, 45 debentures or other securities shall not exceed \$25,000 for each mile of the railway.
- (2) No such bond, debenture or other security shall be for a less sum than \$100.

(3) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue, being withdrawn or paid off and duly cancelled.

31. It shall be lawful for the corporation of any munici- By-law grantpality through any part of which the railway of the company, ing exemption or in which it is situate, by by-law especially passed for that purpose to exempt the company and its property within such 10 municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per

annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corpora-15 tion, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no

such by-law shall be repealed unless in conformity with a condition contained therein.

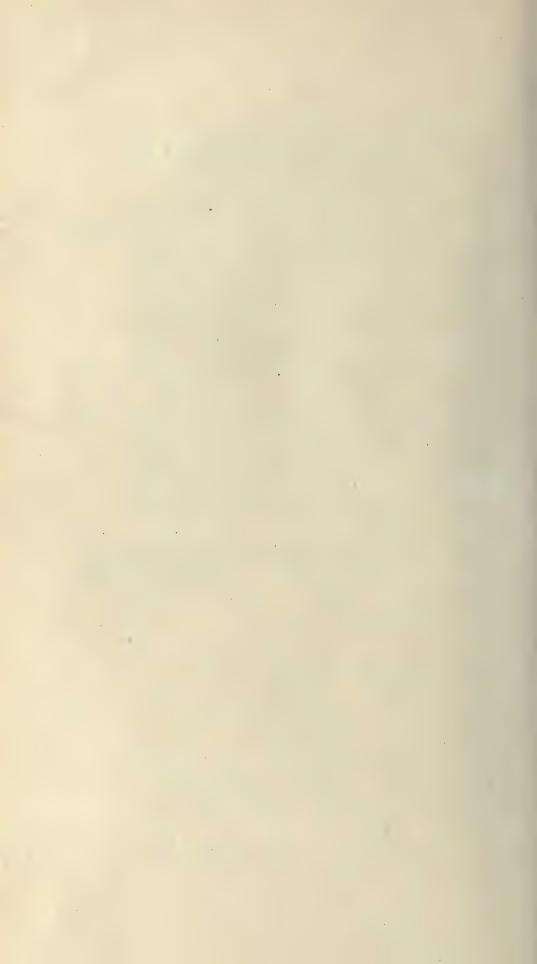
32. The several clauses of The Electric Railway Act and of Application 20 every Act in amendment thereof shall be incorporated with Railway Act. and shall be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "This Act" 25 when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment

thereof so incorporated with this Act

ment and

lines.

33. The railway shall be commenced within two years and Time for completed within five years after the passing of this Act. completion of





5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act to incorporate the London Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. Robson.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

### BILL.

An Act to incorporate The South Western Traction Company

WHEREAS Frederick George Rumball of the City of Preamble. London in the County of Middlesex, manufacturer, Thomas Hunter Purdom of the same place, Esquire, one of His Majesty's counsel learned in the law, Thomas Caswell Knott of the same place, accountant, Alfred Ernest Welch of the same place, stockbroker, Robert McEwen of the Township of Westminster in the said County of Middlesex, Esquire, a Lieutenant-Colonel of His Majesty's forces in Canada, James Boles of the Town of Ingersoll in the County of Oxford aforesaid, merchant, O'Brien O'Donnell of the said City of London, capitalist, and Thomas Henry Luscombe of the said City of London, barrister-at-law, have by their petition prayed for an Act of incorporation under the name of the South Western Traction Company for the purpose of constructing and operating a system of electric railways in and through the following municipalities namely; (1) the City of London and from thence in a westerly direction to the Village of Glencoe passing through the Townships of Westminster, Delaware. Caradoc and Ekfrid and through or near the Villages of Lambeth, Delaware, Melbourne, Longwood and Appin; (2) from the Village of Delaware in a north-westerly direction to the Town of Strathroy passing through the Townships of Delaware and Caradoc and the Village of Mount Brydges; (3) from the City of London in an easterly direction to the Town of Ingersoll passing through the Townships of Westminster, North Dorchester, West Oxford and North Oxford, and the Villages of Nilestown, Dorchester and Putnamville, with a branch from the Town of Ingersoll in a north-westerly direction to the Village of Thamesford, and another branch line from the said Town of Ingersoll northerly to the southern boundary of the Township of West Zorra; (4) from the City of London in an easterly direction to the City of Brantford passing through the township of London and along or near the town line between the townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side, and the townships of North Dorchester, North Oxford, East Oxford, Burford and Brantford on the south side, as far as the Town of Paris, and from the Town of Pari through the township of Brantford to the City of Brantford and through the village of Thamesford, the City of Woodstock, the villages of Eastwood and Princeton and the

Town of Paris; (5) from the City of Brantford to the City of Hamilton passing through the townships of Onondaga and Ancaster and the villages of Cainsville, Jerseyville and Ancaster and along the town line between the townships of Ancaster and Barton; (6) from the Town of Paris through the township of South Dumfries to and through the villages of St. George and Harrisburg and thence along the town line between the townships of Beverly and Flamboro on the north side and the township of Ancaster on the south side to the City of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation.

1. The said Frederick George Rumball, Thomas Hunter Purdom, Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry Luscombe and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of \*\*The South Western Traction Company.

Location of

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of London, through the said city, and from thence in a westerly direction to the Village of Glencoe, passing through the Townships of Westminster, Delaware, Caradoc and Ekfrid and through or near the Villages of Lambeth, Delaware, Melbourne, Longwood and Appin; from the Village of Delaware in a north westerly direction to the Town of Strathroy, passing through the Townships of Delaware and Caradoc and the Village of Mount Brydges; from the City of London in an easterly direction to the Town of Ingersoll passing through the Townships of Westminster, North Dorchester, West Oxford and North Oxford, and the Villages of Nilestown, Dorchester, and Putnamville with a branch line from the Town of Ingersoll in a north westerly direction to the Village of Thamesford and another branch line from the said Town of Ingersoll northerly to the southerly boundary of the Township of West Zorra; from the City of London in an easterly direction to the City of Brantford passing through the Township of London and along or near the town line between the Townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side and the Townships of North Dorchester, North Oxford, East Oxford, Burford and Brant-

ford on the south side as far as the Town of Paris, and from the Town of Paris through the Township of Brantford to the City of Brantford and through the Village of Thamesford, the City of Woodstock, the Villages of Eastwood and Princeton and the Town of Paris; and with like power and subject to like conditions, so soon as, but not before, the railway authorized from the City of London to the City of Brantford has been constructed, to construct a railway from the City of Brantford to the City of Hamilton passing through the Townships of Onondaga and Ancaster and the Villages of Cainsville, Jerseyville and Ancaster and along the town line between the Townships of Ancaster and Barton; and from the Town of Paris through the Township of South Dumfries to and through the Villages of St. George and Harrisburg and thence along the town line between the Townships of Beverly and Flamboro' on the north side, and the Township of Ancaster on the south side, to the City of Hamilton, with power to build any part of the said railway in sections as hereinafter provided; and the said railways, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreem nts between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interest d in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and c muitions contained in this Act, The Electric Railway Act and in The Municipal Act, and any Act or Acts amending the same.

3. Frederick George Rumball, Thomas Hunter Purdom, Provisional Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry Luscombe shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a querum, and shall hold office as such until other directors shall be appointed under the provisions of The Electric Rail- Rev. Stat. way Act.

4. When and as soon as shares to the amount of \$50,000 of First meeting capital st ck in said company shall have been subscribed and of company. ten per centum paid thereon into some chartered bank of tle Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of ele ting directors of the said company giving at least four weeks notice by

advertisement in *The Ontario Gazette* and in one or more newspapers published in the City of London in the said County of Middlesex, of the time, place and purpose of the said meeting.

Construction of railway in sections.

Rev. Stat., c. 209.

5. The company is hereby authorized and empowered to take and make the surveys and levels of the laids through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained an lalso a statement in accordance with the provisions of section 27 of The Electric Railway Act and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined certified and deposite according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provide I, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Head office

6. The head office of the said company shall be at the said City of London and all the meetings of the provisional board of directors of the company shall be held at the said City of London or at such other place as may best suit the interests of the company.

Directors empowered to pay in stock.

12. The directors may enter into a contract or contracts with any individual, corporation or a sociation of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or

bonds or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of a sisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolut on passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and out tanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

- 8 The capital stock of the company shall be \$500,000 to be Capital stock. divided into 5,000 shares of \$100 each.
- 9. No subscription for stock in the capital stock of the Subscriptions company, shall be binding on the said company unless it shall not binding until apbe approved by resolution of the directors nor unless ten per proved. centum of the amount subscribed has been actually paid thereon within one month after subscription.

10. The general annual meeting of the shareholders Subsequent of the company for the election of a board of not less ing. than five nor more than nine directors and the transaction of other business c nnected with or incident to the undertaking shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by laws of the company, and public notice thereof shall be given at least four weeks previously in The Ontario Gazette and once a week for the same period in some newspaper published in the City of Londen.

11. Special general meetings of the shareholders of the Special general meetings. company may be held at such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

- 12. Aliens and companies incorporated abroad as well as Rights of British subjects and corporations, whether resident in this aliens. Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.
  - 13. No person shall be elected a director unless he is the Qualification of directors.

owner and holder of ten shares of stock in the company upon which all calls have been paid.

Tolls on fruit and milk. 14. The company may make *uniform* special rates for the carriage of fruit and milk and other perishable goods.

Laying rails on highwa'ys

- Rev. Stat., c. 223.
- 15. Any municipality through which the said railway passes an having jurisdiction in the premises may subject to the provisions and conditions contained in this Act, The Municipal Act and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement law fully entered into between any such municipality and any other railway or street railway company, pass a bylaw or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or per on, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Crossing other lines on the level.

16 Notwithstanding any provision to the contrary in any other Act, the said company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Running arrangements and connections with other companies,

17. The said company shall have power to agree for connections and making running arrangements with The London Street Railway Company, The Brantford Street Railway Company, The Woodstock, Thames Valley and Ingersoll Electric Railway Company, The Hamilton Street Railway Company, and The Hamilton, Ancaster and Brantford Railway Company, and The Hamilton, Ancaster and Brantford Railway Company, if lawfully empowered to enter into any such agreement upon terms to be approved by two thirds in value of the shareholders at a special general meeting to be held for that purpo e, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of them if lawfully authorized to enter into such an agreement for the sale or lea-ing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by

proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may an I are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act; provided that electric power or compressed air only shall be used in operating any portion of the said railway or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railways, or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect and affected thereby has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

18. The directors of the company may issue bonds, deben- Power to issue tures or other securities signed by the president or other tures and presiding officer and countersigned by their secretary which other securicounter signature and the signature of the coupons attached ties and to to the same may be engraved; and such hards delacted ties and to to the same may be engraved; and such bonds, debentures or thereon. other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per centum per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed \$20,000 for each mile of the railway.

2719. Notwithstanding anything contained in this Act or in Limitation of any Statute of the Province, no municipality shall have the transmission power to grant to said railway any exclusive rights, privileges energy. or franchise as to the transmission of electrical energy for p wer, light and heat over or across any public highway or street in said municipality.

20. The several clauses of The Electric Railway Act and of Application every Act in amendment thereof shall be incorporated with Radway Act. and shall be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understool to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act

Time for commencement and completion of lines.

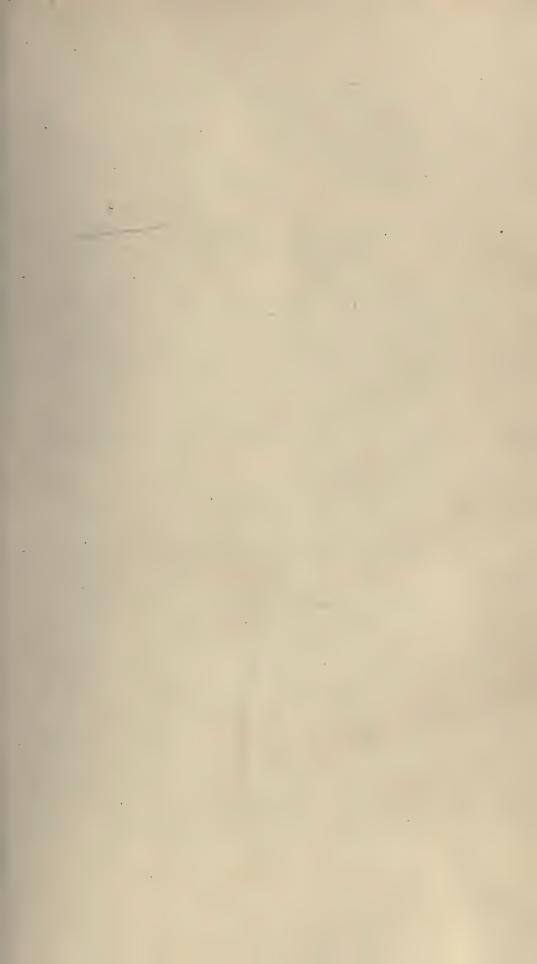
21. The railway shall be commenced within two years and completed within tive years after the passing of this Act.

Agreements with other companies to be subject to regulations.

by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in ('ouncil or any special committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Construction within the City of Brantford.

23. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of the City of Brantford except upon and subject to such terms and conditions as may be mutually agreed upon between the company and The Brantford Street Railway Company; provided always that if the Council of the City of Brantford shall by by-law or resolution request The Brantford Street Railway Company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into the said City of Brantford the company shall permit its tracks or any of the city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the City Corporation and The Brantford Street Railway Company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the City Corporation and the said two companies are unable to agree upon the same.



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act to incorporate the South Western Traction Company.

First Reading, 30th January, 1902

(Reprinted as amended by the Railway Committee.)

Mr. Robson.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Peterborough Radial Railway Company.

WHEREAS Thomas Evans Bradburn, James C. Shook, Preamble. George Walford Hatton, Samuel Dickson Hall, Charles H. Bradburn and Dickson Davidson, all of the Town of Peterborough, in the County of Peterborough, have by their petition prayed for incorporation under the name of "The Peterborough Radial Railway Company" for the purposes hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas Evans Bradburn, James C. Shook, Incorporation. George Walford Hatton, Samuel Dickson Hall, Charles H. Bradburn and Dickson Davidson and such other persons, firms 15 and corporations as shall hereinafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Peterborough Radial Railway Company."

2. The said company is hereby authorized and empowered 20 to survey, lay out, construct, equip, maintain and operate by such motive power as may be adopted by the directors of the company and from time to time to remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches but with one or more 25 branch or branches and all necessary side tracks and turn outs in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborough to, in and through the Village of Lakefield and thence through the Township of Douro to Clear Lake, and from the said Town of Peterborough through 30 the Township of Smith to Chemong Lake; and from the said Town of Peterborough through the Township of Monaghan to the River Otonabee; and from the said Town of Peterborough or Village of Ashburnham through the Township of Otonabee or Monaghan to Rice Lake, with power to build any part or 35 branch of said railway in sections, and the said railway or any part thereof may be carried along and upon such public

highways as may be authorized by the by-laws of the respec-

tive corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations; and the company may make and enter into any agreements with any municipal corporation as to the period and terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in The Municipal Act and any Act or Acts amending the same.

Rev. Stat. c. 223.

Construction

3. The company is hereby authorized and empowered to 10 of line by sec- take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of all the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the 15 railway, and to deposit the same as required by the clauses of The Railway Act of Ontario and the amendments thereto with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, and of such length as the company may from time to time see fit, and 20 upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any 25 and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands 30 intended to be passed over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and desposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Capital stock.

4. The capital stock of the said company shall be \$500,000, to be divided into 5,000 shares of \$100 each, which said capital may be increased from time to time as the directors of the company may find necessary and deem expedient, but only after having received the sanction of at least two thirds of the 40 shareholders represented at a meeting specially called for that purpose.

Directors, number and qualification.

5. The number of directors shall not be less than five nor more than nine, and the number thereof, their qualification, term of office and manner of election shall be fixed by the 45 by-laws of the company.

Provisional directors.

6. The said Thomas Evans Bradburn, James C. Shook, George Walford Hatton, Samuel Dickson Hall, Charles H.

Bradburn and Dickson Davidson shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed in the manner provided by this Act and the by-laws of the company.

- 7. The head office of the said company shall be at the Town Head office. of Peterborough.
- 8. When and as soon as \$100,000 of the capital stock of the First meeting company has been subscribed for and ten per centum thereon directors. paid to the credit of the company into some chartered bank having an office in the Province of Ontario, the provisional directors shall call a general meeting of the shareholders for the purpose of electing directors, such meeting to be held in the said Town of Peterborough and notice thereof to be given

15 by advertisement for at least two weeks in a newspaper published in the said Town of Peterborough and by letter addressed to each of the shareholders and mailed at least ten days before the time appointed for such meeting, such notice to state the time, place and purpose of said meeting. The

20 method of calling other general meetings of the company, including the annual meeting and the time and place of holding the same shall be fixed by the by-laws of the company and may from time to time be altered by by-law.

9. Sections 9, 10, 13, 14, 16, 17, 23, 24, 25, 26, 44, 45, 46, 62, Application 25 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81 of provisions of The Electric Railway Act shall be incorporated in and be Rev. Stat. deemed to be a part of this Act and shall apply to the company and the railways to be constructed by it, except only so far as any parts of said sections may be inconsistent with the 30 express enactments hereof, but save as aforesaid The Electric Railway Act shall not apply to the company or to the lines of

railway to be constructed or operated by it.

ed by it.

10. Sections 8 to 20 inclusive, and 31 to 39 inclusive, and Application section 42 of *The Railway Act of Ontario* shall be incorpor-provisions of 35 ated with and be deemed to be a part of this Act and shall Rev. Stat. apply to the company and to the railways to be constructed or c. 207. operated by it except only so far as any parts thereof may be inconsistent with the express enactments hereof, but save as Rev. Stat. aforesaid The Railway Act of Ontario shall not apply to the c. 207. 40 company or to the lines of railway to be constructed or operat-

11. The company may build or acquire by purchase, lease Steam or or otherwise and hold as part of the property of the company other vessels. and maintain, use and operate as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and

other traffic in connection with the railway, and may from time to time sell, lease, mortgage, alienate or otherwise dispose of the same or any of them.

Municipal by-law exempting from taxation. 12. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for the purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assess- 10 ments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Acquiring lands for gravel pits, etc.

Rev. Stat.

c. 207.

13. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a 20 map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all 25 the provisions of The Railway Act of Ontario and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section 30 as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration 35 is resorted to to state the interest required.

Sidings to gravel pits.

14. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over anylands which may intervene between 40 the railway and the lands on which the said materials shall be found, whatever the distance may be, but such distance shall not exceed one mile in length; and all the provisions of The Railway Act of Ontaric, and of this Act, except such as relate to filing plans and publications of notice, shall apply, 45 and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or

Rev. Stat. c. 207.

permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the 5 said railway.

- (2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining 10 the said railway.
  - (3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of The Railway Rev. Stat. Act of Ontario shall not apply.
- 15. The company shall have power to collect and receive all Collecting 15 charges subject to which goods or commodities may come into on goods. their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be 20 subrogated by such payment in all the rights and remedies of such person for such charges.

- 16. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meeting powers. called for the purpose, at which meeting shareholders represent-25 ing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$20,000 per mile for each and 30 every mile of single track of the aid railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be 35 engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper;
- (a) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securit es at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than \$100.
  - (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the

bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the railway constructed or under contract to be constructed.

5

Mortgage to secure bonds.

- 17. The company may secure such bonds, debentures or other securities, by mortgage deed creating such mortgages charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and 10 revenues shall be subject in the first instance to the payment of the working expenses of the railway,
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deeds, all and every the powers, rights and 15 remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the 20 rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in forms and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall 25 be given by the company in the *Ontario Gazette*.
- (c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or created by any bond, debenture or other security issued, or 30 mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid; nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage 35 Act, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect in priority according to 40 the time of deposit, and shall form a lien and incumbrance upon any personal property or chattels therein embraced to all intents and purposes, as therein expressed and set forth, as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages 50 of chattels, had been fully complied with.

Enforcing payment of bonds. 18. Until they have been surrendered and lawfully cancelled the bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first

preferential claim and charge upon the company and the privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenue, and real and personal property thereof, at any time acquired, save and except as 5 provided for in the next preceding section.

(a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all other holders, and no pro-

- 10 ceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.
- 15 19. Any lands or chattel property which may have become Reclaiming no longer useful or necessary for the purposes of the company no longer may be released by the trustees of any mortrons company no longer may be released by the trustees of any mortgage securing the required. bonds of the company, if a provision for such release is contained in the mortgage, and thereafter such released lands or 20 chattel property shall be . eld freed and discharged from any lien created by the said mortgage, or by any of the Acts relating to the company in favor of the said bond-holders.

20. The company may from time to time enter into agree- Arrangements ments with any other company, if lawfully authorized to with other companies. 25 enter into such agreements, for the following purposes:-

- (a) For the making, maintenance and operation of such connections, nd of the works necessary therefor.
- (b) For the interchange of passenger and freight traffic between the companies party to the agreement; for the use 30 by either company of property, buildings, plant, material, rolling stock, machinery, appliances and facilities of the other; for the supply of motive power, heat and light, by either company to the other; and generally for services to be rendered by either company to the other.
- (c) For the making of running arrangements and the conduct of the joint traffic of the two companies;
  - (d) Generally for all matters and things incidental and conducive to the purposes in this section mentioned.
- (e) Any agreement entered into under the powers conferred 40 by this section shall be upon terms to be approved of by twothirds in value of the shareholders of the company at a special general meeting to be held for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof; but nothing in this section shall be con-45 strued as purporting or intending to confer rights or powers

upon any company which is not within the legislative authority of this Province.

Dangerous goods not to be carried to company.

21. No person shall be entitled to carry, or to require the company to carry upon their railway, aqua fortis, oil of without notice vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the bookkeeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of \$20 for 10 every offence.

Company may refuse to carr explosives,

22. The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

Time for commencement and completion.

23. The said railway shall be commenced within three 15 years and completed within ten years from the passing of this Act.



5th Session, 9th Legislature,2 Edward VII, 1902.

## BILL.

An Act to incorporate The Peterborough Radial Railway Company.

First Reading,

1902.

(Private Bill).

2000

Mr. Blezard.

TORONTO:

Printer to the King's Most Excellent Majesty.

#### BILL.

An Act to incorporate The Peterborough Radial Railway Company.

THEREAS Thomas Evans Bradburn, agent; James C. Preamb'e. Shook, lumber merchant; George Walford Hatton, barrister; Samuel Dickson Hall, merchant; Charles H. Bradburn, barrister, and Dickson Davidson. druggist, all of the Town of Peterborough, in the County of Peterborough, have by their petition prayed for incorporation under the name of "The Peterborough Radial Railway Company" for the purpose of constructing and operating by electricity, compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, a railway in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborough or Village of Ashburnham to, in and through the Village of Lakefield and thence through the Townships of Douro or Smith to Clear Lake and from some point in the Town of Peterborough through the Township of Smith to Chemong Lake, and from some point in the Town of Peterborough through the Township of Monaghan to the River Otonabee, and from some point in the Town of Peterborough or Village of Ashburnham to Rice Lake, with power to build in sections as hereinafter set out; and whereas it is expe-dient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

- 1. The said Thomas Evans Bradburn, James C. Shook, Incorporation. George Walford Hatton, Samuel Dickson Hall, Charles H. Bradburn and Dickson Davidson and such other persons, firms and corporations as shall hereinafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Peterborough Radial Railway Company."
- 2. The said company is hereby authorized and empowered Location of to survey, lay out, construct, equip, maintain and operate by line. electricity compressed air or any other motive power approved of by the Commissioner of Public Works, except steam and from time to time to remove and change a double

EST

or single track iron or steel railway of the gauge of four feet eight and one-half inches and all necessary side tracks and turn outs in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborough to, in and through the Village of Lakefield and thence through the Township of Douro or the Township of Smith to Clear Lake, and from the said Town of Peterborough through the Township of Smith to Chemong Lake; and from the said Town of Peterborough through the Township of Monaghan to the River Otonabee; and from the said Town of Peterborough or Village of Ashburnham through the Township of Otonabee or Monaghan or both to Rice Lake, with power to build any part or branch of said railway in sections, as hereinafter set out, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations; and the company may make and enter into any agreements with any municipal corporation as to the perio I and terms os occupancy of any street or highway subject to the provisionf and conditions contained in this Act, The Electric Railway Act and in The Municipal Act and any Act or Acts amending the same.

Rev. Stat. c. 209. Rev. Stat. c. 223.

Construction of line by sections,

Rev. Stat. c. 207.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of all the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of The Railway Act of Ontario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, as follows: from the Town of Peterborough to a point on the Otonabee River; from the Town of Peterborough to Chemong Lake; from the Town of Peterborough to Rice Lake; from the Town of Peterborough to the Village of Lakefield and from the Vil lage of Lakefield to Clear Lake, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed

over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

- 4. The capital stock of the said company shall be \$500,000, Capital stock. to be divided into 5,000 shares of \$100 each.
- 5. The said Thomas Evans Bradburn, James C. Shook, Provisional George Walford Hatton, Samuel Dickson Hall, Charles H. directors. Bradburn and Dickson Davidson shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed in the manner provided by this Act and the by-laws of the company.

6. When, and as soon as shares to the amount of \$100,000 First general in the capital stock of the company shall have been sub-meeting, election of scribed, and twenty per centum paid thereon, into some char-directors. tered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in The Ontario Gazette, and in one or more newspapers published in the said Town of Peterborough, of the time, place and purpose of said meeting.

- 7. At such general meeting the shareholders present either Election of directors. in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five or more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act.
- 8. No person shall be qualified to be elected as such director Qualification by the shareholders unless he be a shareholder holding at least of directors. ten shares of stock in the said company, and unless he has paid up all calls thereon. The
- 9. The head office of the company shall be at the said Town Head office. of Peterborough, and the annual general meeting of the shareholders of the company shall be held at the said town or at

such other place in the Province of Ontario and on such days and at such hours may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Peterborough during the four weeks immediately preceding the week in which such meeting is to take place.

Application of certain provisions of Rev. Stat. c. 207.

Rev. Stat. c. 207. 10. Sections 10 to 20 inclusive, and section 31 of The Railway Act of Ontario shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railways to be constructed or operated by it except only so far as any parts thereof may be inconsistent with the express enactments hereof, but save as aforesaid The Railway Act of Ontario shall not apply to the company or to the lines of railway to be constructed or operated by it.

Steam or o'her vessels. 11. The company may build or acquire by purchase, lease or otherwise and hold as part of the property of the company and maintain, use and operate as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway, and may from time to time sell, lease, mortgage, alienate or otherwise dispose of the same or any of them.

Municipal by-law exempting from taxation.

12. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for the purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Acquiring lands for gravel pits,

13. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act,

Rev. Stat., c. 207. as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

14. (1) When said gravel, stone, earth or sand shall be taken Sidings to under the preceding section of this Act at a distance from the gravel pits. line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of The Railway Act of Ontaric, and of this Act, except such as Rev. Stat. relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

- (2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining the said railway.
- (3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of The Railway Rev. Stat. Act of Ontario shall not apply.
- 15. The company shall have power to collect and receive all Collecting charges subject to which goods or commodities may come into bak charges on goods. their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

16. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meeting powers. called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or

other securities to the extent of \$20,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper;

- (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than \$100.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work.
- (d) Such bonds shall be issued only in proportion to the *length* of railway constructed or under contract to be constructed.

Mortgage to secure bonds.

- 17. The company may secure such bonds, debentures or other securities, by mortgage deed creating such mortgages charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway,
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deeds, all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.
- (c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien,

charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid; nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Rev. Stat. Act, or any Act requiring the registration or renewal of mort- c. 148. gages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect in priority according to the time of deposit, and shall form a lien and incumbrance upon any personal property or chattels therein embraced to all intents and purposes, as therein expressed and set forth, as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

18. Until they have been surrendered and lawfully can-Enforcing celled the bonds, debentures or other securities, hereby authorbonds. ized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenue, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

- (a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.
- 19. Any lands or chattel property which may have become Reclaiming no longer useful or necessary for the purposes of the company lands, etc., may be released by the trustees of any mortgage securing the required. bonds of the company, if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage, or by any of the Acts relating to the company in favor of the said bond holders.

20. The said company shall have power to agree for connector running agreements with any railway comparangements, pany or companies now or hereafter lawfully authorized etc. with to construct and operate a railway or railways in any panies of the municipalities mentioned in section 2 of this Act if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the share-

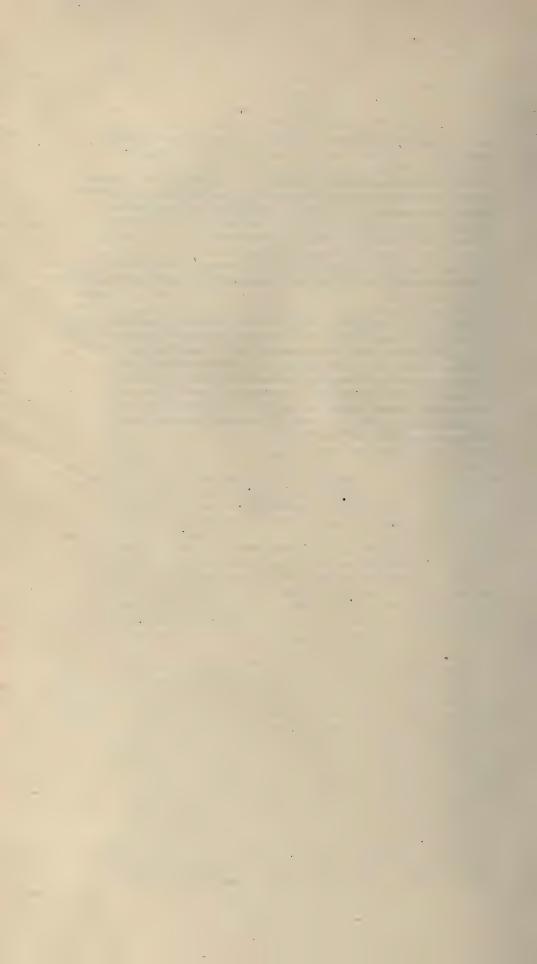
holders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the agreement and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any municipality or municipalities which may from time to time be in force so far as the same may affectthe company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to acquire property and franchises of other companies, etc.

21. The said company shall have power to acquire by purchase, lease, agreement or otherwise the railways and the lands, property, plant, material, works, rights, privileges and tranchises belonging thereto or now or formerly used or enjoyed by any person or company in the municipalities in which it is hereby authorized to construct and operate its line of railway or any part or portion thereof upon such terms as may be agreed on, and to improve, maintain and operate the same, and may pay for the same by the issue and transfer of the stock of the company hereby incorporated, or the bonds, debentures or other securities of the same, if the arrangements and agreements therefor shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, but nothing in this Act contained shall be construed as purporting or intending to confer rights or powers upon any company which is

not within the legislative authority of the Province of Ontario.

- 22. Notwithstanding any provision to the contrary in any Level other Act, the company's railway may cross the railway of crossings. any other company upon a level therewith, with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.
- 23. The said railway shall be commenced within three Ti e for com-years and completed within five years from the passing of mencement and comthis Act.
- 24. The several clauses of The Electric Railway Act, except Application of Clause 43, and every Act in amendment thereof, shall be incorpor-Rev. Stat. ated with and be deemed to be part of this Act; and shall apply c. 209. to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and every Act in amendment thereof so incorporated with this Act. The





5th Session, 9th Legislature, 2 Edward VII, 1902.

### DILLI.

An Act to incorporate The Peterborough Radial Railway Company.

First Reading, 4th February, 1902.

(Reprinted as amended by Railway
Committee.)

(Private Bill.)

.

Mr. BLEZARD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Peterborough Radial Railway Company.

WHEREAS Thomas Evans Bradburn, agent; James C. Preamble. Shook, lumber merchant; George Waltord Hatton, barrister: Samuel Dickson Hall, merchant; Charles H. Bradburn, barrister, and Dickson Davidson. druggist, all of the Town of Peterborough, in the County of Peterborough, have by their retition prayed for incorporation under the name of "The Peterborough Radial Railway Company" for the purpose of constructing and operating by electricity, compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, a railway in the Town of Pet rborough and Village of Ashburnham and from the Town of Peterborough or Village of Ashburnham to, in and through the Village of Lake field and thence through the Townships of Douro or Smith to Clear Lake and from some point in the Town of Peterborough through the Township of Smith to Chemong Lake, and from some point in the Town of Peterborough through the Township of Monaghan to the River Otonabee, and from some point in the Town of Peterborough or Village of Ashburnham to Rice Lake, with power to build in sections as here nafter set out; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The said Thomas Evans Bradburn, James C. Shook, Incorporation. George Walford Harton, Samuel Dickson Hall Charles H. Bradburn and Dickson Davidson and such other persons, firms and corporations as shall hereinafter become shareholders of the said company are hereby constituted a body corporate and po itic under the name of "The Peterborough Radial Railway Company."
- 2. The said company is hereby authorized and empowered Location of to survey, lay out, construct, equip, maintain and operate by line. electricity compressed air or any of er motive power approved of by the Commissioner of Public Works, except steam and from time to time to remove and change a Jouble or single track iron or steel railway of the gauge of four feet

eight and one-half inches and all necessary side tracks and turn outs in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborougharor Village of Ashburnham to, in and through the Village of Lakefield and thence through the Township of Douro or the Township of Smith to Clear Lake, and from the said Town of Peterborough through the Township of Smith to Chemong Lake: and from the said Town of Peterborough through the Township of Monaghan to the River Otonabee; and from the said Town of Peterborough or Village of Ashburnham through the Township of Otonabee or Monaghan or both to Rice Lake, with power to build any part or branch of said railway in sections, as hereinafter set out, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations; and the company may make and enter into any agreements with any municipal corporation as to the periol and terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, The Electric Railway Act and in The Municipal Act and any Act or Acts amending the same.

Rev. Stat. c. 209. Rev. Stat. c. 223.

Construction of line by sections.

Rev. Stat. c. 207.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of all the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of The Railway Act of Ontario and the amendments there to with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, Fas follows: from the Town of Peterborough to a point on the Otonabee River; from the Town of Peterborough to Chemong Lake; from the Town of Peterborough or Village of Ashburnham to Rice Lake; from the Town of Peterborough or Village of Ashburnham to the Village of Lakefield and from the Village of Lakefield to Clear Lake, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed

over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

- 4. The capital stock of the said company shall be \$500,000, Capital stock. to be divided into 5,000 shares of \$100 each.
- 5. The said Thomas Evans Bradburn, James C. Shook, Provisional George Walford Hatton, Samuel Dickson Hall, Charles H. directors. Bradburn and Dickson Davidson shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed in the manner provided by this Act and the by-laws of the company.
- in the capital stock of the company shall have been subscribed, and twenty per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in The Ontario Gazette, and in one or more newspapers published in the said Town of Peterborough, of the time, place and purpose of said meeting.

T1 41 6

- 7. At such general meeting the shareholders present either fine person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five or more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall ho'd office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act.
- 8. No person shall be qualified to be elected as such director Qualification by the shareholders unless he be a shareholder holding at least of directors. ten shares of stock in the said company, and unless he has paid up all calls thereon.
- of Peterborough, and the annual general meeting of the share-holders of the company shall be held at the said town or at

such other place in the Province of Ontario and on such days and at such hours sa may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Guzette*, and once a week in one newspaper published in the said Town of Peterborough during the four weeks immediately preceding the week in which such meeting is to take place.

Application of certain provisions of Rev. Stat. c. 207.

10. Sections 10 to 20 inclusive, and section 31 of The Railway Act of Ontario shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railways to be constructed or operated by it except only so far as any parts thereof may be inconsistent with the express enactments hereof, but save as aforesaid The Railway Act of Ontario shall not apply to the company or to the lines of railway to be constructed or operated by it.

Rev. Stat. c. 207.

Steam or other vessels. 11. The company may build or acquire by purchase, lease or otherwise and hold as part of the property of the company and maintain, use and operate as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway, and may from time to time sell, lease, mortgage, alienate or otherwise dispose of the same or any of them.

Municipal by-law exempting from taxation. 12. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for the purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Acquiring lands for gravel pits, etc.

13. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act,

Rev. Stat., c. 207. as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

14. (1) When said gravel, stone, earth or sand shall be taken Sidings to under the preceding section of this Act at a distance from the grav-I pits. line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of The Railway Act of Ontaric, and of this Act, except such as Rev. Statrelate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

- (2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining the said railway.
- (3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of The Railway Rev. Stat. Act of Ontario shall not apply.
- 15. The company shall have power to collect and receive all Collecting charges subject to which goods or commodities may come into back charges their possession and on payment of each back charges their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

16. The directors of the company, under the authority of Bonding the shareholders, to them given at any special general meeting powers. called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or

other securities to the extent of \$20,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper;

- (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than \$100.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work, so in the purchases authorized by clause 21 hereof.
- (d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed, or purchased as aforesaid.

Mortgage to secure bonds.

- 17. The company may secure such bonds, debentures or other securities, by mortgage deed creating such mortgages charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are de-cribed in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway,
- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deeds all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- (b Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the Ontario Gazette.

(c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed shauld be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid; nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Rev. Stat. Act, or any Act requiring the registration or renewal of mort- c. 148. gages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect in priority according to the time of deposit, and shall form a lien and incumbrance upon any personal property or chattels therein embraced to all intents and purposes, as therein expressed and set forth, as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

18. Until they have been surrendered and lawfully can-Enforcing celled the bonds, debentures or other securities, hereby author-payment of bonds. ized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenue, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

- (a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.
- 19. Any lands or chattel property which may have become Reclaiming no longer useful or necessary for the purposes of the company lands, etc may be released by the trustees of any mortgage securing the required bonds of the company, if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage, or by any of the Acts relating to the company in favor of the said bond holders.

20. The said company shall have power to agree for connections and making running agreements with any railway comarrangements, pany or companies now or hereafter lawfully authorized etc., with to construct and operate a railway or railways in any other com-

of the municipalities mentioned in section 2 of this Act if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the agreement and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if ir corporated with their own line, subject to the provisions of any by-law or by-laws of any municipality or municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corp ration of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to acquire property and franchises of other companies, etc.

21. The said company shall have power to acquire by purchase, lease agreement or otherwise the railways and the lands, property, plant, material, works, rights, privileges and franchises belonging thereto or now or formerly used or enjoyed by any person or company in the municipalities in which it is hereby authorized to construct and operate its line of railway or any part or portion thereof upon such terms as may be agreed on, and to improve, maintain and operate the same, and may pay for the same by the issue and transfer of the stock of the company hereby incorporated, or the bonds, debentures or other securities of the same, if the arrangements and agreements therefor shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special

this Act contained shall be construed as purporting or intending to confer rights or powers upon any company which is general meeting to be called for that purpose, but nothing in not within the legislative authority of the Province of Ontario.

- #22. Notwithstanding any provision to the contrary in any Level other Act, the company's railway may cross the railway of crossings. any other company upon a level therewith, with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.
- 23. The said railway shall be commenced within three Time for comyears and completed within five years from the passing of mencement and comthis Act.
- \*\*24. The several clauses of The Electric Railway Act, except Application of Rev. Stat. c. 209. corporated with and be deemed to be part of this Act; and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express eractments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act, except clauses 18 and 43, and every Act in amendment thereof so incorporated with this Act.

25. The authority and power conferred on the company Powers subby this Act to enter into agreements with any other railway ject to general regulations. company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

26. Notwithstanding anything contained in this Act, or in Exclusive any Statute of the Province, no municipality shall have the franchises not to be given for power to grant to said railway any exclusive rights, privileges transmitting or franchise as to the transmission of electrical energy for electricity. power, light and heat over or across any public highway or street in said municipality.

2 - 51





5th Session, 9th Legislature,2 Edward VII, 1902.

## DILLL.

An Act to incorporate The Peterborough Radial Railway Company.

First Reading, 4th February, 1902. Second Reading, 27th February, 1902.

(Reprinted as amended by Committee of the Whole House.)

Mr. Blezard.

TORONTO:
PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Village of Alexandria.

WHEREAS the municipal corporation of the Village of Preamble. Alexandria has represented by its petition that under the authorities of by-law No. 234 of the said village, passed on the 5th day of November, 1901, the said corporation has 5 expended the sum of \$8 500 in making necessary extensions and improvements to the system of water works and electric light owned by said corporation, and has contracted for the sale of debentures therefor under the provisions of said bylaw; and whereas doubts have arisen as to the legality of said 10 by-law;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. By-law No. 234 of the municipal corporation of the Vil-By-law No. 15 lage of Alexandria set forth in Schedule A hereto, and all de-Alexandria bentures issued or to be issued thereunder and all assessments confirmed. made or to be made for payment thereof are hereby confirmed and declared to be legal, valid and binding.

### SCHEDULE A.

#### By-LAW No. 234.

Whereas a system of water works and electric light has been installed in the Village of Alexandria a. d whereas the same has cost up to date the sum of \$40,547.63, and whereas there has been borrowed on debentures therefor the sum of \$36,824 58, and whereas it is necessary to expend a further sum of \$6,500.00 to improve and extend said system.

And whereas the Lieutenant-Governor in Council has given his consent to the passing of this by-law for the purpose of borrowing the sum of \$8,500.00 to cover the amount required to make the necessary extensions and improvements, and to pay for those already made to said system.

Be it, and it is hereby enacted a by-law of the municipal corporation of the Village of Alexandria.

- 1. That it shall be lawful for the corporation of the Village of Alexandria to borrow the sum of \$8,500.00 to provide for the improvements and additions to said water works and electric light system.
- 2. That the sum of \$553.00 oe raised annually to repay said sum of \$8,500.00, and the interest thereon by thirty successive annual payments of \$553.00. each.

- 3. That the amount of the whole rateable property of the Village of Alexandria according to the last revised assessment roll is \$320,705.00.
- 4. That the amount of the existing debenture debt of said Village for all purposes including schools is \$34,332 55 of which no principal or interest is in arrear
- 5. That the amount required to repay the debt hereby proposed to be incurred with interest thereon at the rate of five per centum per annum during each year of thirty years is \$553.00.
- 6. That the reeve and treasurer are hereby authorized to borrow the said sum of \$8,500.00, and to issue therefor thirty debentures of this corporation for the aforesaid sum of \$553.00 each conditioned for the due payment thereof by means of said debentures annually on the 15th day of December in each year, one of said debentures to be payable at each year at the office of the bank of Ottawa, Alexandria, the first of such debentures to be payable on the 15th day of December, 1902, and the last on the 15th day of December, A. D. 1931.
- 7. This by-law shall take effect on from and after the 16th day of December, A. D. 1901.

Done, passed, signed and sealed with the assent of the Lieutenant-Governor-in-Council, in open council, at the Village of Alexandria, this 5th day of November, A. D. 1901.

(Sgd.) Angus McDonald, Reeve.

(Sgd.) ALEX. L. SMITH, Clerk.



5th Session, 9th Legislature, 2 Edward, VII., 1902.

## RILI

An Act respecting the Village of Alexandria.

First Reading,

1902.

5

(Private Bill.)

Mr. McDonald

Printer to the King's Most Excellent Majesty.

TORONTO:

An Act respecting the Village of Alexandria.

WHEREAS the Municipal Corporation of the Village of Preamble.

Alexandria has represented by its petition that under the authority of by-law No. 234 of the Council of the said village, passed on the 5th day of November, 1901, the said corporation has expended the sum of \$8,500 in making necessary extensions and improvements to the system of water works and electric light owned by said corporation, and has contracted for the sale of debentures therefor under the provisions of said by-law; and whereas doubts have arisen as to the legality of said by-law; and whereas the said municipal corporation has prayed for special legislation confirming the said by-law and debentures; and whereas no objection has been raised to the said by-law and the time for moving against the same has expired; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 234 of the municipal corporation of the Vil-By-law No. lage of Alexandria set forth in Schedule A hereto, and all de-Alexandria bentures issued or to be issued thereunder and all assessments confirmed made or to be made for payment thereof are hereby confirmed and declared to be legal, valid and binding.

#### SCHEDULE A.

#### BY-LAW No. 234.

Whereas a system of water works and electric light has been installed in the Village of Alexandria and whereas the same has cost up to date the sum of \$40,547.63, and whereas there has been borrowed on debentures therefor the sum of \$36,824 58, and whereas it is necessary to expend a further sum of \$6,500.00 to improve and extend said system.

And whereas the Lieutenant-Governor in Council has given his consent to the passing of this by-law for the purpose of borrowing the sum of \$8,500.00 to cover the amount required to make the necessary extensions and improvements, and to pay for those already made to said system.

Be it, and it is hereby enacted a by-law of the municipal corporation of the Village of Alexandria.

- 1. That it shall be lawful for the corporation of the Village of Alexandria to borrow the sum of \$8,500.00 to provide for the improvements and additions to said water works and electric light system.
- 2. That the sum of \$553.00 be raised annually to repay said sum of \$8,500.00, and the interest thereon by thirty successive annual payments of \$553.00. each.
- 3. That the amount of the whole rateable property of the Village of Alexandria according to the last revised assessment roll is \$320,705.00.
- 4. That the amount of the existing debenture debt of said Village for all purposes including schools is \$34,332.55 of which no principal or interest is in arrear.
- 5. That the amount required to repay the debt hereby proposed to be incurred with interest thereon at the rate of five per centum per annum during each year of thirty years is \$553.00.
- 6. That the reeve and treasurer are hereby authorized to borrow the said sum of \$8,500.00, and to issue therefor thirty debentures of this corporation for the aforesaid sum of \$553.00 each conditioned for the due payment thereof by means of said debentures annually on the 15th day of December in each year, one of said debentures to be payable at each year at the office of the bank of Ottawa, Alexandria, the first of such debentures to be payable on the 15th day of December, 1902, and the last on the 15th day of December, A. D. 1931.
- 7. This by-law shall take effect on from and after the 16th day of December, A. D. 1901.

Done, passed, signed and sealed with the assent of the Lieutenant-Governor-in-Council, in open council, at the Village of Alexandria, this 5th day of November, A. D. 1901.

(Sgd.) Angus McDonald, Reeve.

(Sgd.) ALEX. L. SMITH, Clerk.



5th Session, 9th Legislature, 2 Edward, VII., 1902.

## BILL.

An Act respecting the Village of Alexandria.

First Reading, 11th February, 1902.

Reprinted as amended in Private Bills Committee.

Mr. McDonald

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Ontario, Hudson's Bay and Western Railways Company.

WHEREAS The Ontario, Hudson's Bay and Western Rail-Preamble. ways Company has petitioned for an Act to extend the times for the commencement and completion of its railway.

And whereas it is expedient to grant the prayer of the said 5 petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the Time for losaid railway are hereby extended for three years beyond the commencement and comrespective periods fixed therefor by the Act passed in the pletion exsixty-second year of Her late Majesty's reign, chaptered 101.

5th Session, 9th Legislature, 2 Edward VII., 1902.

### BILL.

An Act respecting The Ontario, Hudson's Bay and Western Railways Company.

First Reading,

1902.

MI FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Ontario, Hudson's Bay and Western Railways Company.

WHEREAS by an Act passed in the 53rd year of Her late Preamble.

Majesty's reign and chaptered 124, The Sault Ste. Marie and Hudson's Bay Railway Company, now The Ontario, Hudson's Bay and Western Railways Company was duly incorporated and the times for the commencement and completion of the said company's railway were thereby limited to three years and ten years respectively from the passing of said Act; and whereas by an Act passed in the 62nd year of Her late Majesty's reign and chaptered 101, and by prior Acts the times for the commencement and completion of the said railway were respectively extended; and whereas the line of railway of the said company for the most part passes through unsettled and undeveloped portions of the Province; and whereas owing to difficulty in locating the permanent line of the said railway, the said company has been unable yet to commence construction; and whereas the time for said commencement of construction so extended as aforesaid will expire on the 7th day of April 1902; and whereas the said company has by its petition prayed that the times for the commencement and completion of its railway be further extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The times for the commencement and completion of the commence said railway are hereby extended, the time for commencement ment and comto be within three years, and the time for completion to be pletion exwithin seven years from the passing of this Act.

5th Session, 9th Legislature, 2 Edward VII., 1902.

## RILL

An Act respecting The Ontario, Hudson's Bay and Western Railways Company.

First Reading, 11th February, 1902.

(Reprinted as amended by Railway Committee.)

Mr FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

HEREAS the Sandwich, Windsor and Amherstburg Preamble. Railway hereinafter called the Company, has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to 5 grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Company is hereby authorized to construct, com- Time for commencement 10 plete, maintain and operate so much of the lines of railway, and compleheretofore authorized as have not already been constructed tion. provided, however, that the construction thereof shall be commenced within three years and completed within five years after the passing of this Act.

2. Section 7 of chapter 97 of the Acts passed in the fifty- 7, amended. sixth year of the reign of Her late Majesty Queen Victoria intituled An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway, is amended by striking out the figures \$250,000 in the 5th line of said section 20 and substituting the figures \$1,000,000.

3. The company is empowered to acquire by purchase or Power to acquire South lease from the South Essex Electric Railway Company and Essex Electric the South Essex Electric Railway Company is empowered to Railway. lease or sell to the Company on such terms as may be agreed 25 on, its undertakings, rights, franchhises, lines, assets and prop-

erties real and personal, but such agreement shall be subject

to the rights, positions and powers of any Municipal Corporation under any statute, by law, agreement or otherwise, and all such rights, positions and powers may be exercised and 30 enforced as against and with respect to the company and the undertakings, rights, franchises, lines, assets and properties so transferred to it in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the South Essex Elec-

35 tric Railway Company and its undertakings, rights, franchises, lines, assets and properties.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

First Reading, 1902.

(Private Bill.)

Mr. McKee.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King Most Excellent Majesty.

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

WHEREAS the Sandwich, Windsor and Amherstburg Preamble. Railway hereinafter called the Company, has been incorporated and operates its line of railway under an Act of the Legislative Assembly of the Province of Ontario, being chapter 64 of the Acts passed in the 35th year of the reign of her late Majesty Queen Victoria, as amended by chapter 64 of the Acts passed in the 37th year of said reign, chapter 80 of the Acts passed in the 50th year of said reign, chapter 94 of the Acts passed in the 54th year of said reign, chapter 97 of the Acts passed in the 56th year of said reign and chapter 62 of the Acts passed in the 61st year of said reign; and whereas the company has constructed its railway as authorized by said Acts in the Town of Walkerville and in the City of Windsor, thence to the Town of Sandwich, passing through a portion of the Township of Sandwich West, thence to a point known as Ojibwa in the said Township of Sandwich West and about three miles from the Town of Sandwich, making in all 13 miles of railway already constructed; and whereas the company has in addition to the railway already constructed heretofore been authorized to construct a line of railway to the Town of Amherstburg in a westerly direction from said point in the said Township of Sandwich West, known as Ojibwa, to a point in the Town of Amherstburg and easterly from said Town of Walkerville to a point on Pilette Road in the Township of Sandwich East, amounting in all to about 15 miles of railway to be constructed; and whereas the time limited within which to complete the same has expired; and whereas by reason of the said proposed railway crossing Turkey Creek, Canard River and other water-courses, as well as crossing the tracks of the Canada Southern Railway Company, and other difficulties of construction it is necessary that the bonding powers of the company be increased; and whereas the South Essex Electric Railway Company being a company incorporated under an Act passed by the Legislative Assembly of the Province of Ontario being chaptered 109 of the Acts passed in the 59th year of the reign of her late Majesty Queen Victoria, which Act has been amended by chapter 95 of the Acts passed in the 60th year of said reign and chapter 89 passed in the 1st year of His Majesty's reign, has acquired certain rights and fran-

chises which the company is desirous of acquiring; and whereas the company by its petition has prayed that the time limited for constructing and completing its lines of railway be extended and has further prayed that its bonding powers be increased to an amount not exceeding \$600,000, and has further prayed that it be empowered to acquire by purchase or lease the rights, franchises and agreements of the South Essex Electric Railway Company; and whereas it is expedient to grant the prayer of said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

line authorized.

Completion of 1. The Company is hereby authorized to construct, complete, maintain and operate so much of the lines of railway heretofore authorized as have not already been constructed, namely, from said point in the Township of Sandwich West, known as Ojibwa, to a point in the Town of Amherstburg, and from a point in its present line of railway in the Town of Walkerville to a point on the Pilette Road in the Township of Sandwich East, provided, however, that the construction thereof shall be commenced within one year and completed within two years after the passing of this Act.

56 V. c. 97, 7, amended.

2. Section 7 of chapter 97 of the Acts passed in the fiftysixth year of the reign of Her late Majesty Queen Victoria intituled An Act to amend the Acts relating to the Sundwich, Windsor and Amherstburg Railway, is amended by striking out the figures \$250,000 in the 5th line of said section and substituting the figures \$600,000

Transfer by South Essex Electric Ry. Co. authorized.

3. The South Essex Electric Railway Company may transfer by agreement of lease or sale on such terms as may be agreed on with the Sandwich, Windsor and Amherstburg Railway, its undertakings, rights, franchises, lines, assets and properties, real and personal, but no such agreement shall affect the rights of creditors or persons having claims against or contracts with the South Essex Electric Railway Company; and such agreement shall be subject to the rights, positions and powers of any municipal corporation under any statute, by-law, agreement or otherwise, and every such claim and contract and all such rights, positions and powers may be exercised and enforced as against and with respect to the Sandwich, Windsor and Amherstburg Railway and the undertakings, rights, franchises, lines, assets and properties so transferred to it in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the South Essex Electric Railway Company and its undertakings, rights, franchises, lines, assets and powers. But nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

4. No agreement made under the authority of this Act Agreement shall be binding or shall be acted on unless and until it is approved of by a vote of shareholders of each of the companies approved by
parties thereto holding at least two thirds of the shares of the vote of sharecapital stock of such company represented in person or by proxy at a special meeting of the shareholders of the company called for considering such agreement, but upon such approval being given by the shareholders of each company the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

### BILL

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

First Reading, 28th January, 1902.

(Private Bill.)

(Reprinted as amended by Railway Committee.)

Mr. McKEE.

TORON FO:
PRINTED BY L. K. CAMERON,
Printer to the King Most Excellent Majesty.

### An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has Preamble by petition set forth that at the municipal election in the month of January in the year 1900, a vote of the municipal electors of the said city was taken upon the question of reducing the number of aldermen elected for each of the eight wards of the said city from three to two and a very large majority of the said electors voting on the said question voted in favour of the said reduction, and the said corporation has prayed that an Act may be passed reducing the number of 10 aldermen for the said city accordingly; and whereas the said corporation has further set forth that at the municipal election in the month of January 1902, the question of abolishing the Public Parks Board of the said city was submitted to a vote of the electors and a large majority of the electors voting 15 thereon voted in favour of such abolition; and whereas the said corporation has by the said petition further prayed that the said corporation may be authorized to establish a public scavenging system in the said city or to contract for the removal of ashes, refuse and garbage therein, and to charge 20 the expenses of such system and of the removal of ashes, refuse and garbage against the property benefited; and whereas the said corporation has further set forth that an hospital for the treatment of contagious diseases is urgently needed in the said city, but that owing to the present require-25 ments of The Public Health Act it is impossible to acquire a site for the said hospital at a reasonable price, and has prayed that authority may be given to the said corporation to acquire by purchase or expropriation a site for and erect a hospital for the treatment of persons suffering from smallpox and other contagious diseases within one hundred and fifty yards of an inhabited dwelling; and whereas the said corporation has set forth that the southern portion of Rideau river park in the said city has been approved of by the Provincial Board of Health for such site, and has prayed that the said corporation 35 may be authorized to set apart the said lands for such site; and whereas the said corporation has further prayed that power may b granted to the said corporation to grant aid to the ferry plying between the said city and Gatineau Point in the Province of Quebec; and whereas the said corporation has further set forth that by the Acts relating to the said city the aggregate annual rates to be levied therein are limited to one and one-half cents on the dollar, and that it is urgently necessary that the said city should be authorized to grant aid to the hospitals in the said city notwithstanding that the granting of such aid may increase the said rates above the said limit, and that at the municipal elections in the month of January the question of imposing a special annual rate not 5 exceeding one mill on the dollar to aid the said hospitals was submitted to the municipal electors, and a large majority of the electors voting thereon voted in favor of granting the said aid, and the said corporation has prayed that power may be given to the council to levy a special annual rate for the said 10 purpose not exceeding one mill on the dollar, notwithstanding that the annual rates in the said city may be thereby increased above the said limit of one and one-half cents on the dollar; and whereas the said corporation has further shown that by inadvertance section 10 of the Act passed in the 1st year of 15 His Majesty's reign chaptered 62, provided for the levying of a special annual rate upon all the assessable property in the said city to pay the debentures issued for waterworks purposes under section 9 of the said Act and the interest thereon, and the said corporation has prayed that the said section 10 20 may be repealed and a provision substituted therefor authorizing the payment of the said debentures and interest out of the water rates of the said city; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent 25 of the Legislative Assembly of the Province of Ontario, enacts as follow:—

Number of aldermen reduced to two for each ward.

1. Notwithstanding the provisions of *The Municipal Act*, the Municipal Council of the said City of Ottawa for the year 1903, and thereafter, shall consist of the mayor, who shall be 30 the head thereof, and of two aldermen for each ward of the said city, to be elected in accordance with the provisions of *The Municipal Act*.

Rev. Stat. c. 223.

Board of Parks Management abolished. 2. Notwithstanding anything contained in *The Public Parks Act* and in the by-law of the council of the said City of 35 Ottawa adopting the same, all the real and personal property, rights, powers, privileges and duties heretofore vested in and held, possessed, enjoyed and exercised by the Board of Parks Management of the City of Ottawa are transferred to and shall be vested in, held, possessed, enjoyed and exercised by 40 the municipal corporation of the said city, and the said Board of Parks Management of the City of Ottawa is abolished, but, subject to the substitution of the corporation of the said city for the said Board of Parks Management, the said *The Public Parks Act* shall in all other respects continue to apply to and 45 be in force in the said City of Ottawa.

Rev. Stat.

3. All contracts, debts and liabilities heretofore lawfully entered into or incurred by the said Board of Parks Manage-

ment shall be binding upon, and shall be assumed and discharged by the Corporation of the City of Ottawa, and all parks, avenues, boulevards and streets, and all property both real and personal heretofore under the control and manage-5 ment of the said board shall be subject to the control and management of the council of the said corporation, and the council of the said corporation shall perform all the duties as to maintenance, improvement and management heretofore incumbent on the said board under The Pub'ic Parks Act.

4. The said council shall at its first meeting after the passing Parks comof this Act and afterwards at the first meeting thereof in each council. year or so soon thereafter as possible, by resolution appoint for the then current year, a committee composed of one alderman from each of the wards of the said city to be called "The

15 Parks Committee," which shall, subject to the approval and according to the directions of the said council, have the control and management of all parks, squares, avenues, boulevards, streets and other property heretofore under the control and management of the said Board of Parks Management and of 20 all other parks, squares and other open public spaces in the said city.

5. The Council of the Corporation of the City of Aid to hos-Ottawa, may grant annually by by law or otherwise such special rate aid to the hospitals for the sick in the said city as may not exceeding 25 be deemed expedient and may for that purpose levy and collect annually a special rate of not more than one mill on the dollar on all ratable property in the said City of Ottawa according to the assessed value thereof, notwithstanding that such rate will increase the aggregate annual rates to be levied 30 and collected in the said city beyond one and one half cents on the dollar.

6.—(1) The Corporation of the said City of Ottawa may Establishby law establish, maintain and regulate a system of public ment of public scavenging scavenging or system for the collection and disposal of ashes, system. 35 refuse and garbage, within the said city, and for such purposes may acquire by purchase or otherwise or enter upon and take, with or without the consent of the owners thereof such land as may be necessary therefor, and may thereon erect such buildings, plant and machinery as may be required, and may for the 40 said purpose acquire such further plant, machinery, tools and material as the council may deem necessary.

(2) In case the council of the said corporation and the Arbitration owner of any land taken under this section fail to agree as to with owners. the amount of the compensation to be paid to such owner, the 45 same shall be determined by arbitration in the manner pro- Rev. Stat.

vided by The Municipal Act.

(3) The said municipal corporation, for the purpose of pro- Issue of deviding the money for the acquisition of the necessary lands, scavenging

system.

buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for a sum not exceeding in the as the council of the said corporation may deem expedient, which said debentures shall be made payable 5 not more than forty years from the day on which they shall respectively bear date, shall bear interest at a rate not exceeding 4 per cent. per annum, payable half yearly, shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling money of 10 Great Britain or in currency of Canada, in this Province or elsewhere, as the said corporation may deem expedient, and it shall not be necessary to obtain the assent of the ratepayers to any by-law to be passed for the issue of such debentures or 15 any of them.

Debenture rate.

7. For the payment of the debt and interest represented by the said debentures to be issued under the authority of section 6 of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures, a sum sufficient to discharge the said 20 debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the rateable or assessable property of the said corporation, according to the then last revised assessment roll 25 thereof.

Contract for removal of.

8. In lieu of establishing a system of public scavenging as provided in section 6 of this Act, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city, upon such terms and subject to such conditions, rules and regula- 80 tions as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

Charging cost property benefited.

9. The Council of the Corporation of the said city may from ashes, etc., on time to time pass by-laws dividing the said city into certain 35 areas, districts or sections within which all ashes, refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein, according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all 40 ashes, refuse and garbage therein.

No land to be exempt from rate.

10. No land within the said city shall be exempt from liability for assessment under section 9 but all land within the said city, no matter by whom owned or how or for what purpose or by whom used or occupied, shall be liable to a sess- 45 ment thereunder anything in any special or general Act or in any by-law of the City of Ottawa to the contrary notwithstanding.

11. The Corporation of the City of Ottawa may enter Acquiring upon, take, use, acquire and hold such land within the City land for smallof Ottawa as may be required for a site for the establishment pox hospital. and erection of such a hospital for the reception of persons 5 having the small-pox or other disease which may be dangerous to the public health, as municipalities are authorized to establish, erect and maintain by section 104 of The Public Rev. Stat.

Health Act, with or without the consent of the owners of such land, and in case the said corporation and the owners of such 10 lands do not agree as to the amount of compensation payable therefor the same shall be determined by arbitration in the manner provided by The Municipal Act.

Rev. Stat.

12. Notwithstanding section 28 of The Public Health Act, Site need not the land to be acquired for the purposes mentioned in section be one hundred and fifty 15 11 hereof, and the hospital to be erected thereon may be nearer yards from than 150 yards to an inhabited dwelling, provided, however, dwelling. that the said hospital shall not be nearer than 100 feet to any such dwelling.

13. The said Corporation of the City of Ottawa, notwith-Power to set 20 standing the provisions of The Public Health Act, or of The of Rideau river Public Parks Act, or of any other Act of the Legislature park for smallof the Province of Ontario, may use the lands in the pox hospital. said City of Ottawa, described as all and singular that certain parcel or tract of land and premises composed of the 25 southern portion of Rideau River Park in the said city, which may be more particularly described as follows:—Commencing

at a point where the south side of Somerset Street meets the Rideau River, thence westerly along the southern boundary of Somerset street, a distance of two hundred and ninety-two 30 and four hundredths (292.4) feet more or less to the east limit of Salisbury Avenue; thence southerly along the east side of Salisbury Avenue, a distance of five hundred and ninety-three and four hundredths (593.4) feet more or less to the north side of Templeton street; thence in an easterly

35 direction along the north limit of Templeton Street a distance of three hundred and two (302) feet more or less to the Rideau River; thence in a northerly direction and along the west bank of the Rideau River to the place of beginning, as a site for the hospital mentioned in section 11 of this Act and may

40 establish, erect and maintain such hospital thereon, and the said lands shall no longer form part of the said park or be under the control or the management of the Board of Parks management or other body having the control or management of parks in the said city, but is hereby separated from the said 45 park and set apart for the purposes aforesaid.

14. Section 10 of the Act passed in the 1st year of His Majesty's reign, chaptered 62, is repealed and the following substituted therefor:-

"10 .- (1) For the purpose of providing a sinking fund for the Waterworks-

paying deben- payment of the debentures mentioned in the immediately pretures and increased in ceding paragraph and the interest on the same semi-annually, terest out of the Corporation of the City of Ottawa shall raise annually from the water rates and with the authority conferred upon the said corporation in and by the Act of the Legislature of this Province entitled, An Act for the construction of Waterworks for the City of Ottawa, and the Acts amending the same, a sum of money sufficient to pay the interest semiannually on the days appointed for the payment thereof, upon the principal money of said debentures and shall also raise 10 annually a further sum, not less than one and one-half per cent. on the principal of the said debentures, sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the money to be required to be raised to meet the charges of maintenance, 15 the cost of renewals, the amounts required for the payment of the interest on the waterworks debentures already issued, and for the payment of the sinking fund amounting annually to \$11,700 as required by section 14 of The Act to Consolidate the Debenture Debt of the City of Ottawa, passed in the 41st 20 year of Her late Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province entituled, An Act respecting the City of Ottawa, passed in the 25 50th year of Her late Majesty's reign and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, entituled, An Act to enable the City of Ottawa to issue debentures 30 for Waterworks purposes, passed in the 52nd year of Her late Majesty's reign and chaptered 67, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled An Act to 35 enuble the Corporation of the City of Ottawa to issue debentures for Waterworks purposes, passed in the 53rd year of Her late Majesty's reign, and chaptered 97, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority 40 of an Act of the Legislature of this Province, intituled An Act respecting Local Improvements in the City of Ottawa and for other purposes, passed in the 60th year of Her late Majesty's reign, and chaptered 71, and the said corporation shall pay the principal money and interest on the said debentures herein 45 authorized to be issued, as the same shall from time to time fall due.

Proviso.

(2) Provided that if from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the said debentures herein authorized

to be issued, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby authorized and required when and as often as the same may occur forthwith to settle, impose, levy and collect an equal special rate upon all the rateable property of the City of Ottawa, in the manner and with the like powers as shall exist with respect to municipal assessments, rates and taxes and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking 10 fund to pay the said debentures herein authorized to be issued."

15. The said Corporation of the City of Ottawa may by Aid to Gatin-by-law grant such aid to the ferry plying between the said eau Point City of Ottawa and Gatineau Point in the Province of Quebec 15 as the council of the said corporation may deem expedient.

5th Session, 9th Legislature, 2 Edward VII., 1902.

### DILLIL.

An Act respecting the City of Ottawa.

First Reading,

, 1902.

(Private Bill.)

Mr. POWELL.

TORONTO.

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

#### An Act respecting the City of Ottawa.

THEREAS the Corporation of the City of Ottawa has Preamble by petition set forth that at the municipal election in the month of January, 1902, the question of abolishing the Public Parks Board of the said city was submitted to a vote of the electors and a large majority of the electors voting thereon voted in favour of such abolition; and whereas the said corporation has further set forth that an hospital for the treatment of contagious diseases is urgently needed in the said city, but that owing to the present requirements of The Public Heaith Act it is impossible to acquire a site for such a hospital at a reasonable price, and that the southern portion of Rideau River Park in the said city has been approved of by the Provincial Board of Health for such site, and has prayed that the said corporation may be authorized to set apart the said lands for such site; and whereas the said corporation has further prayed that power may be granted to the said corporation to grant aid to the ferry plying between the said city and Gatineau Point in the Province of Quebec: and whereas the said corporation has further set forth that by the Acts relating to the said city the aggregate annual rates to be levied therein are limited to one and one-half cents on the dollar, and that it is urgently necessary that the said city should be authorized to grant aid to the hospitals in the said city notwithstanding that the granting of such aid may increase the said rates above the said limit, and that at the municipal elections in the month of January, 1902, the question of imposing a special annual rate not exceeding one mill on the dollar to aid the said hospitals was submitted to the municipal electors, and a large majority of the electors voting thereon voted in favor of granting the said aid, and the said corporation has prayed that power may be given to the council to levy a special annual rate for the said purpose not exceeding one mill on the dollar, notwithstanding that the annual rates in the said city may be thereby increased above the said limit of one and one-half cents on the dollar: and whereas the said corporation has further shown that by inadvertance section 10 of the Act passed in the 1st year of His Majesty's reign chaptered 62, provided for the levying of a special annual rate upon all the assessable property in the said city to pay the debentures issued for waterworks purposes under section 9 of the said Act and the interest thereon, and the said corporation has prayed that the said section 10

may be repealed and a provision substituted therefor authorizing the payment of the said debentures and interest out of the water rates of the said city; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follow:—

Board of Parks Management abolished. 1. Notwithstanding anything contained in *The Public Parks Act* and in the by-law of the Council of the City of Ottawa adopting the same, all the real and personal property, rights, powers, privileges and duties heretofore vested in and held, possessed, enjoyed and exercised by the Board of Parks Management of the City of Ottawa are transferred to and shall be vested in, held, possessed, enjoyed and exercised by the municipal corporation of the said city, and the said Board of Parks Management of the City of Ottawa is abolished, but, subject to the substitution of the corporation of the said city for the said Board of Parks Management, the said *The Public Parks Act* shall in all other respects continue to apply to and be in force in the City of Ottawa,

Rev. Stat.

2. All contracts, debts and liabilities heretofore lawfully entered into or incurred by the said Board of Parks Management shall be binding upon, and shall be assumed and discharged by the Corporation of the City of Ottawa, and all parks, avenues, boulevards and streets, and all property both real and personal heretofore under the control and management of the said board shall be subject to the control and management of the council of the said corporation, and the council of the said corporation shall perform all the duties as to maintenance, improvement and management heretofore incumbent on the said board under The Public Parks Act.

Rev. Stat.

Parks committee of council.

3. The Council of the Corporation of the City of Ottawa shall at its first meeting after the passing of this Act and afterwards at the first meeting thereof in each year or so soon thereafter as possible, by resolution appoint for the then current year, a committee composed of one alderman from each of the wards of the said city to be called The Parks Committee, which shall, subject to the approval and according to the directions of the said council, have the control and management of all parks, squares, avenues, boulevards, streets and other property heretofore under the control and management of the said Board of Parks Management and of all other parks, squares and other open public spaces in the said city.

Aid to hospitals by special rate not exceeding one mill.

4. The Council of the Corporation of the City of Ottawa, may grant annually by by-law or otherwise such aid to the hospitals for the sick in the said city as may

be deemed expedient, and may for that purpose levy and collect annually a special rate of not more than one mill on the dollar on all ratable property in the said City of Ottawa according to the assessed value thereof, notwithstanding that such rate will increase the aggregate annual rates to be levied and collected in the said city beyond one and one half cents on the dollar.

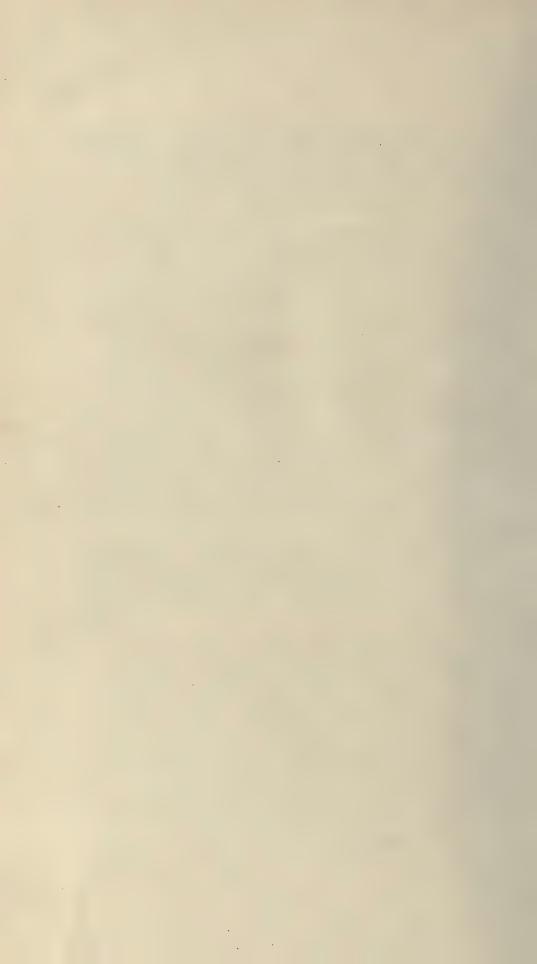
- 5. The Corporation of the City of Ottawa, notwith-power to set standing the provisions of The Public Health Act, or of The apart portion of Rideau rive Public Purks Act, or of any other Act of the Legislature park for smallof the Province of Ontario, may use the lands in the pox hospital. City of Ottawa, described as all and singular that certain parcel or tract of land and premises composed of the southern portion of Rideau River Park in the said city, which may be more particularly described as follows:—Commencing at a point where the south side of Somerset Street meets the Rideau River, thence westerly along the southern boundary of Somerset street, a distance of two hundred and ninety-two and four hundredths (292.4) feet more or less to the east limit of Salisbury Avenue; thence southerly along the east side of Salisbury Avenue, a distance of five hundred and ninety-three and four hundredths (593.4) feet more or less to the north side of Templeton street; thence in an easterly direction along the north limit of Templeton Street a distance of three hundred and two (302) feet more or less to the Rideau River; thence in a northerly direction and along the west bank of the Rideau River to the place of beginning, as a site for the hospital mentioned in section 11 of this Act and may establish, erect and maintain such hospital thereon, and the said lands shall no longer form part of the said park or be under the control or the management of the Board of Parks management or other body having the control or management of parks in the said city, but is hereby separated from the said park and set apart for the purposes aforesaid.
- 6. Section 10 of the Act passed in the 1st year of His Majesty's reign, chaptered 62, sintituled "An Act to authorize the City of Ottawa to issue certain Debentures" is repealed and the following substituted therefor:-
- "10.—(1) For the purpose of providing a sinking fund for the Waterworkspayment of the debentures mentioned in the immediately pre-paying debenceding paragraph and the interest on the ame semi-annually, terest out of the Corporation of the City of Ottawa shall raise annually from the water rates and with the authority conferred upon the said corporation in and by the Act of the Legislature of this Province entitled, An Act for the construction of Waterworks for the City of Ottawa, and the Acts amending the same, a sum of money sufficient to pay the interest semiannually on the days appointed for the payment thereof, upon the principal money of said debentures and shall also raise annually a further sum, not less than one and one-half per

cent. on the principal of the said debentures, sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the money to be required to be raised to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the waterworks debentures already issued, and for the payment of the sinking fund amounting annually to \$11,700 as required by section 14 of The Act to Consolidate the Debenture Debt of the City of Ottawa, passed in the 41st year of Her late Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province entituled, An Act respecting the City of Ottawa, passed in the 50th year of Her late Majesty's reign and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, entituled, An Act to enable the City of Ottawa to issue debentures for Waterworks purposes, passed in the 52nd year of Her late Majesty's reign and chaptered 67, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled An Act to enuble the Corporation of the City of Ottawa to issue debentures for Waterworks purposes, passed in the 53rd year of Her late Majesty's reign, and chaptered 97, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled An Act respecting Local Improvements in the City of Ottawa and for other purposes, passed in the 60th year of Her late Majesty's reign, and chaptered 71, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Proviso.

(2) Provided that if from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the said debentures herein authorized to be issued, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby authorized and required when and as often as the same may occur forthwith to settle, impose, levy and collect an equal special rate upon all the rateable property of the City of Ottawa, in the manner and with the like powers as shall exist with respect to municipal assessments, rates and taxes and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the said debentures herein authorized to be issued.

7. The Corporation of the City of Ottawa may by by-law Aid to Gatingrant such aid to the ferry plying between the City of Ottawa eau Point and Gatineau Point in the Province of Quebec as the council ferry. of the said corporation may deem expedient.





5th Session, 9th Legislature, 2 Edward VII., 1902.

BILL

An Act respecting the City of Ottawa.

First Reading, 6th February, 1902.

Reprinted as amended by Private Bills Committee.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

Mr. POWELL.

An Act respecting the establishment of The Carnegie Library in the City of Ottawa,

HEREAS the Corporation of the City of Ottawa has by Preamble its petition, represented that Andrew Carnegie of the City of New York has offered the said corporation the sum of \$100,000 for the erection of a free public library in the City of 5 Ottawa, upon the condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same; that the said corporation has agreed to the said terms and accepted the said offer and passed, subject to ratification by this legislature, by-law No. 2,151 provid-10 ing therefor, and for the erection and maintenance of a free public library in the said City of Ottawa, and has prayed for the ratification of the said by-law and for authority to accept the said offer and to erect and maintain a free public library in the said city as set forth in the said by-law; and whereas 15 it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Provice of Ontario, enacts as follows :-

1. Subject to the provisions hereinafter contained, By-law By-law establish 20 No. 2,151 of the Corporation of the City of Ottawa in-lishing free library contituled "A by-law to establish a free public library in the firmed." City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000, to be expended for the erection of the same," which by-law is set out in Schedule A to 25 this Act, is ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers

2. The said Corporation of the City of Ottawa is Corporation authorized and empowered to accept the offer of the said with A. Car-30 Andrew Carnegie mentioned in the said by-law for the erection negie to accept of a free public library in the said City of Ottawa, upon the \$100,000. condition mentioned therein, and to enter into such agreement (not inconsistent with the terms of this Act and of the said bylaw) with the said Andrew Carnegie for the fulfilment of the con-

35 dition upon which the said offer has been made as shall be approved of by the said Andrew Carnegie and the council of the said corporation.

Acquiring site for library.

3. The council of the said Corporation may acquire by purchase or otherwise such land as they may deem necessary, and may erect thereon such buildings as they may deem suitable and necessary, and establish and maintain and regulate a free public library in the said City of Ottawa in the manner set .5 forth in the said by-law.

Issuing debentures for library.

4. The said Corporation may issue the debentures mentioned in the said by-law for the purposes mentioned therein, and it shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for the issue of such 10 debentures or any of them.

Annual special rates.

5. The said municipal council shall in each and every year after the payment over of the said sum of \$100.000 by the said Andrew Carnegie, appropriate and raise by annual special rate a sum sufficient to provide a sinking fund for the 15 retirement of any debentures issued under the said by law and to pay the interest thereon as it falls due, and in addition thereto a sum not less than \$7,500, and shall apply the said annual sum of \$7,500 to the maintenance of the said free library. 20

Power to receive gifts or or money, books, etc.

6. The said Corporation of the City of Ottawa may receive grants of lands from any government or from any persons or bodies corporate, municipal or politic, who may have power to grant the same, any gift or grant of land or buildings or of money, books, pictures, works of art, newspapers, magazines or periodicals, 25 or any other personal property which may be necessary or useful for the purposes of the said free library or any reading room or museum or art school or classes established under the said by-law.

#### SCHEDULE A.

#### BY-LAW No. 2151.

Being a by-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same.

Whereas Andrew Carnegie, Esquire, of the City of New York, has offered the corporation of the City of Ottawa the sum of \$100,000 for the erection of a free public library in the City of Ottawa, upon condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same;

And whereas it is expedient to accept the said offer and, to establish a free public library in the said City of Ottawa;

Therefore the municipal council of the corporation of the City of Ottawa enacts as follows :-

- 1. There shall be established in the City of Ottawa a free public library which shall be known as. "The Carnegie Library."
- 2. The offer of the said Andrew Carnegie of the sum of \$100,000 for the erection of the said library is hereby accepted.

- 3. There shall be expended annually by the said corporation for the maintenance of the said library the sum of not less than \$7,500, which shall for the first five years be provided out of the general revenues of the said corporation and thereafter as the said council shall by by-law determine.
- 4. His Worship the Mayor of the said City of Ottawa shall execute such agreement with the said Andrew Carnegie for the acceptance of the said offer and the maintenance of the said library as may be approved of by the said Andrew Carnegie and the said Council, and the clerk of the said city shall attach thereto the corporate seal.
- 5. The said corporation shall acquire and hold such land in the said City of Ottawa as may be necessary for a site for the said library, and the selection of the said site and the quantity of land to be acquired for such purpose shall be determined by vote of said council.
- 6. The said council may open in connection with the said library a free reading room or museum or both and evening classes for artisans, mechanics and workingmen in such subjects as may promote a knowledge of the mechanical and manufacturing arts.
- 7. The said library, reading room and museum shall be open to the public free of charge.
- 8. The said council shall at its first meeting in each and every year, or so soon thereafter as possible by resolution appoint for the then current year a committee composed of the mayor, eight other members of the council and three ratepayers not members of the council who shall hold office for one year or until their successors are appointed, which committee shall be called "The Public Library Committee," and shall, subject to the control, and according to the directions of the said council have the general management, regulation and control of the said library, reading room and museum and all branches thereof, and the said evening classes. In the event of any vacancy occurring in the said committee in any year the same shall be immediately filled by the said council, but so that the committee shall continue to be composed of the mayor for the time being of the said City of Ottawa, eight other members of the said council and three ratepayers not members of the council.
- 9. Such vacancy may occur by reason of any member of the said committee dying or resigning therefrom or being convicted of any offence against the criminal laws of the Dominion of Canada or becoming insane or absenting himself from the meetings of such committee for three consecutive months without being authorized by resolution entered upon the minutes or ceasing to be a resident within the municipality of the City of Ottawa, or by reason of any member of the said committee appointed from amongst the members of the said council ceasing from any cause to be a member of the said council.
- 10. The said committee shall purchase books, magazines, maps and specimens illustrative of the arts and sciences for the library, reading room and museum, and do all things necessary for keeping the same and the buildings and furnishings in a proper state of preservation and repair, and provide the necessary fuel, lighting and other similar matters; and recommend to council the dismissal or appointment of the officers and servants required.
- 11. The county judge of the County of Carleton upon the request of the library committee may appoint the janitor to be while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the room of the library, and in the building in which the library is situated, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which pertain to the office of a constable.

- 12. Any person who wilfully disquiets or interrupts the public library established under the authority of this by-law, by rude or indecent behaviour, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for such offence on conviction thereof before a police magistrate or justice of the peace, forfeit and pay for library purposes to the corporation of the City of Ottawa a sum not exceeding \$20 00, together with the costs of conviction, as the said police magistrate or justice of the peace may think fit.
- 13. The said committee may make regulations for the use of the said library, reading room and museum and evening classes, and for the admission of the public thereto; and for regulating all matters and things whatsoever connected with the management of the said library, reading room, museum and evening classes, and for the management of all property of every kind under their control for the purposes of this by-law; and the said committee may impose penalties for breaches of the said regulations not exceeding \$10.00 for any offence.
- 14. No such regulations, however, shall have any force or effect until confirmed by by-law of the said council, nor shall any such regulation having once been so confirmed by by-law be repealed, altered, varied or re enacted except by by-law of the said council.
- 15. Nothing contained herein or in any regulations or in any by-law confirming the same shall preclude the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for the same.
- 16. The said committee shall submit to the said council before the first mee ing of same in February in each year a detailed estimate of the several sums required to pay during the ensuing financial year:—
  - (1) The interest of any money borrowed as hereinafter mentioned.
  - (2) The amount of the sinking fund.
- (3) The expense in detail of maintaining and managing the said library, reading room, museum and evening classes but not exceeding \$7,500 for any one year exclusive of interest and sinking fund.
- 17. The said committe shall keep distinct and regular account of their receipts, payments, credits and liabilities, and the accounts shall be audited and dealt with in like manner as other accounts of the said municipality.
- 18. For the purpose of providing for the expenses necessary for carrying this by-law into effect the said council, in addition to all other rates and assessments levied and assessed for the purposes of the said municipality, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said committee to be required as aforesaid upon the assessed value of all the rateable real and personal property, such rate to be called "The Public Library Rate." Provided, however, that such rate shall not increase the aggregate annual rates to be levied in the said city beyond one and one-half cents on the dollar.
- 19. The said council may also, subject as hereinafter provided, raise by a special issue of debentures of the said municipality payable in thirty years to be termed "Public Library Debentures" such sums, not exceeding in the whole \$15,000, as may be required for purchasing a site for the said library and for furnishing the same, and such sums not exceeding in the whole \$15,000 as may be required for obtaining in the first instance books and other things therefor, without submitting to the electors or obtaining the assent of the electors to a by law or by-laws authorizing the issue of the said debentures.
- 20. During the currency of the debentures so issued the council shall withhold and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a

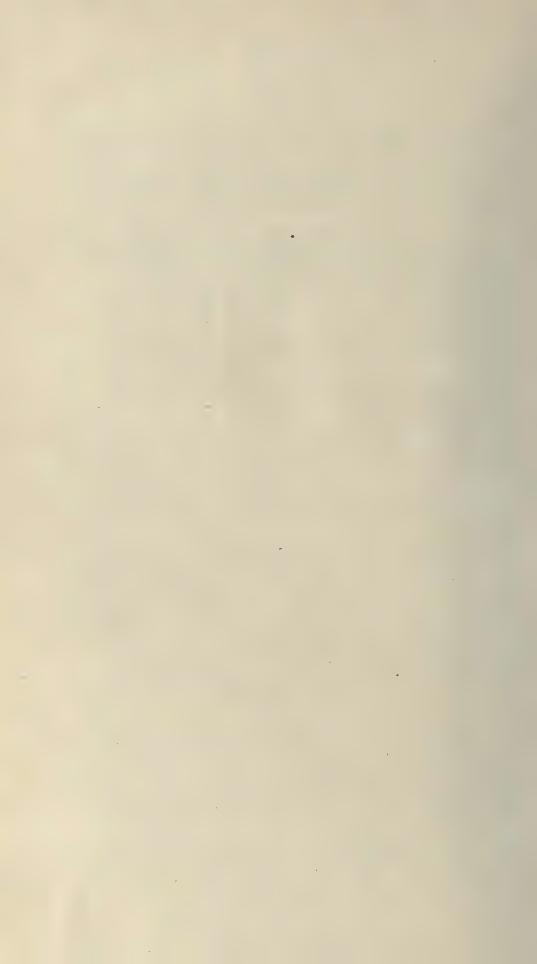
sinking for the retirement thereof as the same becomes due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

- 21. All moneys levied and raised as aforesaid shall be received by the treasurer of the said municipality in the same way as other municipal funds and be paid out by him on the orders of the said council; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.
- 22. This by-law shall take effect and come into operation from and after the date of the assent of His Honour the Lieutenant-Governor of the Province of Ontario to an Act of the Legislature of the said province ratifying and confirming the same but until such ratification and confirmation the same shall not be operative or effective.

Given under the corporate seal of the City of Ottawa this 3rd day of December, A.D. 1901.

Certified,

(Sgd.) John Henderson, (Sgd.) Jas. Davidson, Mayor.





# 5th Session, 9th Legislature, 2 Edward VII., 1902.

## BILL.

An Act respecting the establishment of The Carnegie Library in the City of Othawa.

First Reading,

, 1902.

(Private Bill.)

Mr. Lumsden.

TORONTO.

PRINTED BY L. K. CAMEBON,

Printer to the King's Most Excellent Majesty.

An Act respecting the establishment of The Carnegie Library in the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has by Preamble its petition, represented that Andrew Carnegie of the City of New York has offered the said corporation the sum of \$100,000 for the erection of a free public library in the City of Ottawa, upon the condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same: that the said corporation has agreed to the said terms and accepted the said offer and passed, subject to ratification by this legislature, by-law No. 2,151 providing therefor, and for the erection and maintenance of a free public library in the City of Ottawa, and has prayed for the ratification of the said by-law and for authority to accept the said offer and to erect and maintain a free public library in the said city as set forth in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Provice of Ontario, enacts as follows :--

1. Subject to the provisions hereinafter contained, By-law By-law estab-No. 2,151 of the Corporation of the City of Ottawa in-lishing free tituled "A by-law to establish a free public library in the firmed." City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000, to be expended for the erection of the same," which by-law is set out in Schedule A to this Act, is ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

2. The Corporation of the City of Ottawa is authorized Corporation and empowered to accept the offer of the said Andrew with A. Car-Carnegie mentioned in the said by-law for the erection negie to accept of a free public library in the City of Ottawa, upon the site of \$100,000. condition mentioned therein, and to enter into such agreement (not inconsistent with the terms of this Act and of the said bylaw) with the said Andrew Carnegie for the fulfilment of the condition upon which the said offer has been made as shall be approved of by the said Andrew Carnegie and the council of the said corporation.

Acquiring site for library.

3. The council of the said corporation may acquire by purchase or otherwise such land as they may deem necessary, and may erect thereon such buildings as they may deem suitable and necessary, and establish and maintain and regulate a free public library in the City of Ottawa in the manner set forth in the said by-law.

Issuing debentures for library.

4. The said Corporation may issue the debentures mentioned in the said by-law for the purposes mentioned therein, and it shall not be necessary to obtain the assent of the rate-payers to the passing of any by-law for the issue of such debentures or any of them.

Annual special rates.

5. The said municipal council shall in each and every year after the payment over of the said sum of \$100.000 by the said Andrew Carnegie, appropriate and raise by annual special rate a sum sufficient to provide a sinking fund for the retirement of any debentures issued under the said by law and to pay the interest thereon as it falls due, and in addition thereto a sum not less than \$7,500, and shall apply the said annual sum of \$7,500 to the maintenance of the said free public library.

Power to receive gifts or grants of lands or money, books, etc. 6. The Corporation of the City of Ottawa may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to grant the same, any gift or grant of land or buildings or of money, books, pictures, works of art, newspapers, magazines or periodicals, or any other personal property which may be necessary or useful for the purposes of the said free *public* library or any reading room or museum or art school or classes established under the said by-law.

#### SCHEDULE A.

#### By-LAW No. 2151.

Being a by-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same.

Whereas Andrew Carnegie, Esquire, of the City of New York, has offered the corporation of the City of Ottawa the sum of \$100,000 for the erection of a free public library in the City of Ottawa, upon condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same;

And whereas it is expedient to accept the said offer and to establish a free public library in the said City of Ottawa;

Therefore the municipal council of the corporation of the City of Ottawa enacts as follows:—

- There shall be established in the City of Ottawa a free public library which shall be known as "The Carnegie Library."
- 2. The offer of the said Andrew Carnegie of the sum of \$100,000 for the erection of the said library is hereby accepted.

- 3. There shall be expended annually by the said corporation for th maintenance of the said library the sum of not less than \$7,500, which shall for the first five years be provided out of the general revenues of the said corporation and thereafter as the said council shall by by-law determine.
- 4. His Worship the Mayor of the said City of Ottawa shall execute such agreement with the said Andrew Carnegie for the acceptance of the said offer and the maintenance of the said library as may be approved of by the said Andrew Carnegie and the said Council, and the clerk of the said city shall attach thereto the corporate seal.
- 5. The said corporation shall acquire and hold such land in the said City of Ottawa as may be necessary for a site for the said library, and the selection of the said site and the quantity of land to be acquired for such purpose shall be determined by vote of said council.
- 6. The said council may open in connection with the said library a free reading room or museum or both and evening classes for artisans, mechanics and workingmen in such subjects as may promote a knowledge of the mechanical and manufacturing arts.
- 7. The said library, reading room and museum shall be open to the public free of charge.
- 8. The said council shall at its first meeting in each and every year, or so soon thereafter as possible by resolution appoint for the then current year a committee composed of the mayor, eight other members of the council and three ratepayers not members of the council who shall hold office for one year or until their successors are appointed, which committee shall be called "The Public Library Committee," and shall, subject to the control, and according to the directions of the said council have the general management, regulation and control of the said library, reading room and museum and all branches thereof, and the said evening classes. In the event of any vacancy occurring in the said committee in any year the same shall be immediately filled by the said council, but so that the committee shall continue to be composed of the mayor for the time being of the said City of Ottawa, eight other members of the said council and three ratepayers not members of the council.
- 9. Such vacancy may occur by reason of any member of the said committee dying or resigning therefrom or being convicted of any offence against the criminal laws of the Dominion of Canada or becoming insane or absenting himself from the meetings of such committee for three consecutive months without being authorized by resolution entered upon the minutes or ceasing to be a resident within the municipality of the City of Ottawa, or by reason of any member of the said committee appointed from among the members of the said council ceasing from any cause to be a member of the said council.
- 10. The said committee shall purchase books, magazines, maps and specimens illustrative of the arts and sciences for the library, reading room and museum, and do all things necessary for keeping the same and the buildings and furnishings in a proper state of preservation and repair, and provide the necessary fuel, lighting and other similar matters; and recommend to council the dismissal or appointment of the officers and servants required.
- 11. The county judge of the County of Carleton upon the request of the library committee may appoint the janitor to be while holding such office, a special constable and such special constable shall have the special duty of preserving the peacee in the room of the library, and in the building in which the library is situated, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privile, es, and be liable to all the duties and responsibilities which pertain to the office of a constable.

- 12. Any person who wilfully disquiets or interrupts the public library established under the authority of this by-law, by rude or indecent behaviour or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for such offence on conviction thereof before a police magistrate or justice of 'he peac.', forfeit and pay for library purposes to the corporation of the City of Ottawa a sum not exceeding \$20 00, together with the costs of conviction, as the said police magistrate or justice of the peace may think fit.
- 13. The said committee may make regulations for the use of the said library, reading room and museum and evening classes, and for the admission of the public thereto; and for regulating all matters and things whatsoever connected with the management of the said library, reading room, museum and evening classes, and for the management of all property of every kind under their control for the purposes of this by-law; and the said committee may impose penalties for breaches of the said regulations not exceeding \$10.00 for any offence.
- 14. No such regulations, however, shall have any force or effect until confirmed by by-law of the said council, nor shall any such regulation having once been so confirmed by by-law be repealed, altered, varied or re-enacted except by by-law of the said council.
- 15. Nothing contained herein or in any regulations or in any by-law confirming the same shall preclude the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for the same.
- 16. The said committee shall submit to the said council before the first mee ing of same in February in each year a detailed estimate of the several sums required to pay during the ensuing financial year:—
  - (1) The interest of any money borrowed as hereinafter mentioned.
  - (2) The amount of the sinking fund.
- (3) The expense in detail of maintaining and managing the said library, reading room, museum and evening classes but not exceeding \$7,500 for any one year exclusive of interest and sinking fund.
- 17. The said committe shall keep distinct and regular account of their receipts, payments, credits and liabilities, and the accounts shall be audited and dealt with in like manner as other accounts of the said municipality.
- 18. For the purpose of providing for the expenses necessary for carrying this by-law into effect the said council, in addition to all other rates and assessments levied and assessed for the purposes of the said municipality, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said committee to be required as aforesaid upon the assessed value of all the rateable real and personal property, such rate to be called "The Public Library Rate." Provided, however, that such rate shall not increase the aggregate annual rates to be levied in the said city beyond one and one-half cents on the dollar.
- 19. The said council may also, subject as hereinafter provided, raise by a special issue of debentures of the said municipality payable in thirty years to be termed "Public Library Debentures" such sums, not exceeding in the whole \$15,000, as may be required for purchasing a site for the said library and for furnishing the same, and such sums not exceeding in the whole \$15,000 as may be required for obtaining in the first instance books and other things therefor, without submitting to the electors or obtaining the assent of the electors to a by law or by-laws authorizing the issue of the said debentures.
- 20. During the currency of the debentures so issued the council shall withhold and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a

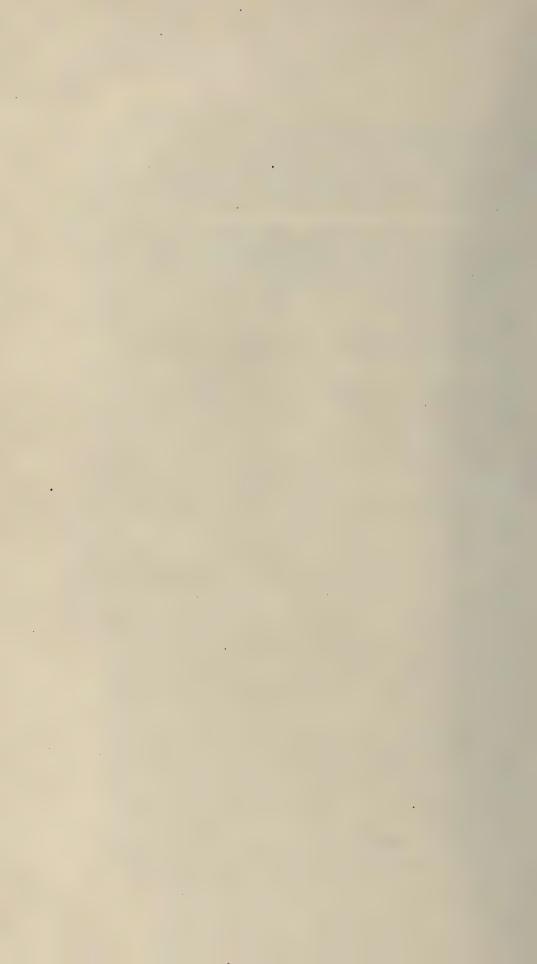
sinking fund for the retirement thereof as the same becomes due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

- 21. All more ys levied and raised as aforesaid shall be received by the treasurer of the said municipality in the same way as other municipal funds and be paid out by him on the orders of the said council; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.
- 22. This by-law shall take effect and come into operation from and after the date of the assent of His Honour the Lieutenant-Governor of the Province of Ontario to an Act of the Legislature of the said province ratifying and confirming the same but until such ratification and confirmation the same shall not be operative or effective.

Given under the corporate seal of the City of Ottawa this 3rd day of December, A.D. 1901.

Certified,

(Sgd.) John Henderson, Clerk, (Sgd.) Jas. Davidson, Mayor.





NO. DO.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the establishment of The Carnegie Library in the City of Ottawa.

First Reading, 5th February, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. Lumsden.

Printer to the King's Most Excellent Majesty. PRINTED BY L. K. CAMERON, TORONTO.

### An Act to incorporate the Northern Electric Company.

WHEREAS a petition has been presented praying for the Preamble. incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition;

- 5 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
- 1. Thomas Harold Brunton, gentleman; David Lloyd, clerk Incorporaof division court; Albert Edward Widdifield, bailiff; Isaac tion.

  10 M. Hogg, lumberman, all of the Town of Newmarket, in the
  County of York, and Jess M. Walton, of the Village of Aurora,
  in the County of York, banker, and such other persons, firms
  and corporations as shall hereafter become shareholders in the
  said company, are hereby constituted a body corporate and
  name.

  15 politic under the name of The Northern Electric Company,
  hereinafter called "The Company."

2. The head office of the company shall be at the Town of Head office.

Newmarket, or at such other place within the Counties of

York and Simcoe as the directors of the company may by by
20 law determine.

3. The persons named in the first section of this Act shall Provisional be the provisional directors of the company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the company only.

- 4. The capital stock of the company shall be \$40,000, Capital stock. divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they may deem 30 necessary.
- 5. So soon as fifty per cent. of the amount of the capital First meeting stock has been subscribed, and fifty per cent. thereon has been of share-paid into one of the chartered banks of Canada, the provisional directors or a majority of them shall call a general meeting of 35 the shareholders to be held at the Town of Newmarket, or

Notice.

such other place as they may determine, for the purpose of electing the first directors of the company, and notice thereof shall be given, signed by or on behalf of the provisional directors calling such meeting, of the date and place of holding the same, mailed, postage pre-paid, to the post office address of 5 each shareholder not less than fifteen days previous to the holding of such meeting.

Annual meeting.

6. The annual general meeting of the shareholders shall be held on the last Tuesday in February in each year, or upon such other day in each year as the directors of the company 10 may from time to time by by-law determine.

Directors.

- 7. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock present in person or represented by proxy; who have paid all calls due on their shares, shall choose not less than five nor more than nine per-15 sons, each of whom shall hold at least ten shares of the capital stock of the company, to be directors of the company; three directors shall form a quorum, and one or more of them may be paid directors of the company.
- (2) The directors elected at the first general meeting of 20 shareholders shall hold office until the first annual meeting of the company.
- (3) The directors may vote and act by proxy, but such proxy shall be held by directors only. No director shall hold more than two proxies, and no meeting of directors shall be 25 competent to transact business unless at least three directors are present at such meeting in person.

General powers.

- 8. The company may within the counties of York and Simcoe and the several municipalities thereof:
- (a) Produce, manufacture, supply, sell and dispose of elec-30 tricity for heat, light and power, and for any other purposes for which the same may be used;
- (b) Acquire, manufacture, construct, lay, erect, maintain, complete and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and 35 machinery as are or may be used in any way in connection with the business or production, manufacture and supply of electric current or electricity for any purpose, and may lease, sell or otherwise deal with or dispose of the same;
- (c) Acquire by purchase, license, lease or otherwise, and use, 40 license or otherwise dispose of any real and personal property, water powers, rights, easements and privileges in connection with the production, manufacture or supply of electricity and electric current for heat, light or power, or for any other purposes for which the same may be used.
- (d) May construct transmission lines and maintain and operate wires to conduct electricity and electric current for

the purposes aforesaid, over, along and across the highways, roads, streets and public places of the several and respective municipalities of York and Simcoe, or any of them, under and subject to such agreement in respect thereof as shall be made 5 between the company and any of such municipalities, and under and subject to any by-law of the council of the municipality passed in pursuance thereof; and over and across private property with the assent of the owner or occupant thereof.

10 9. The directors of the company may for and in the name Power to acof the company, purchase, lease or otherwise acquire and take quire rights and privileges and privileges over in whole or in part under a mutual agreement between of other corthe company and any other corporation which has been or porations. may be authorized to exercise similar powers within and

15 throughout the municipalities in the said Counties of York and Simcoe, or any one or more of them, and may thereafter hold, exercise and enjoy the property, rights, powers and privileges of any such corporation, and may pay the consideration therefor in paid up capital stock of the company, or in

20 debentures or otherwise as may be agreed upon, and may also undertake, assume and pay the obligations, contracts and engagements of the said corporation, and may also purchase or otherwise acquire the shares of the said corporation; and every such corporation is hereby authorized and empowered

25 to make and enter into any such agreement.

10. Aliens and companies incorporated abroad, as well as Corporations British subjects and corporations, whether resident in this may be shareprovince or elsewhere, and municipal corporations in the said holders, counties of York and Simcoe, may be shareholders in the com-

30 pany, and corporat ons may appoint any one or more members of the board of directors of such corporation to represent such corporation, and he and they shall be entitled to act and vote and shall be eligible to hold the office of director of the company.

35 11. The directors of the company may make and issue as Paid up shares paid up and non-assessable shares of the capital stock of the may be issued company in payment for the business, franchises, undertaking, in payment for properties property, rights, powers, privileges and assets which may be acquired. acquired as aforesaid, and may allot and hand over such shares 40 to the said corporations or any one or more of them respectively, or to their shareholders respectively, as may be agreed upon.

12. The directors may from time to time for the purposes Issue of bonds of the company, when authorized by by-law for that purpose or debentures 45 passed and approved of by the votes of the holders of at least authorized. two-thirds in value of the stock of the company qualified to vote, present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per

cent. of the then paid up capital stock of the company, as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rates of interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Directors may borrow money company's property.

13. The directors of the company may in addition to the on security of powers conferred by the next preceding s ction of this Act, 10 from time to time at their discretion borrow money for the purposes of the company and secure the repayment of any of the moneys so borrrwed, or any other moneys owing by the company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, 15 hypothecation or charge of all or any of the assets and property of the company; provided that the amount so borrowed shall not at any time be greater than twenty-five per cent. of the paid up stock of the company, but the limitation made by this section shall not apply to commercial paper discounted by 20 the company, or to the borrowing powers conferred by the next preceding section of this Act.

Increase of capital stock.

14. After the whole of the capital stock hereby authorized has been subscribed and fifty per cent. thereon paid up, the capital stock of the company may be increased from time to 25 time to an amount not exceeding five hundred thousand dollars by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the company, present in person or represented by proxy, at a special general meeting of the 30 shareholders duly called for considering the same; and such increased capital stock may be is ued on payment of the fees established in that behalf, and shall be dealt with in the same manner as the original capital stock of the company.

Sale of bonds.

15. The directors may issue and sell or pledge all or any 35 of the bonds or debentures authorized as aforesaid at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or may use all or any of the said bonds for the purposes hereinbefore provided. 40

Rights of holders of bonds.

- 16. The company may grant to the holders of such bonds or debentures, or to the trustee named in the mortgage deed, all and every such powers, rights and remedies as the directors may think expedient, and all such rights, powers and remedies shall be valid and available to the holders of such bonds and 45 debentures in the manner therein mentioned.
- (a) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in The Ontario Gazette.

(b) It shall not be necessary in the exercise of powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond or debenture issued or mortgage deed executed 5 under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act, or any Act requiring the 10 registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall 15 form a lien and encumbrance upon any p resonal property or chattels therein embraced to all intents and purposes as therein expressed and set forth as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels had been fully 20 complied with.

17. Until they have been surrendered and lawfully can-Bonds first celled the bonds or debentures hereby authorized to be issued lien. shall be taken and considered to be the first preferential claim and charge upon the company, and the powers and privileges 25 acquired under this Act, and the franchises, undertaking, income, rents and revenues, and real and personal property mentioned in the said mortgage.

18. The power of issuing bonds conferred upon the com- Exercise of pany shall not be considered as being exhausted by any single power to issue 30 issue, but such power may from time to time be exercised upon bonds. the bonds constituting any issue being withdrawn or paid off and duly cancelled.

19. Each holder of the said bonds or debentures shall be Right of deemed to be a mortgagee pro rata with all other holders, holder of 35 and no proceedings authorized by law or by this Act shall be bond. taken to enforce payment of the said bonds or debentures, or interest thereon, except through the trustee or trustees appointed by or under the mortgage deed.

20. If the company makes default in paying the principal Voting powers 40 off or interest on any of the bonds or debentures hereby au- of holder of bond. thorized at the time when the same becomes due and payable, then at the next annual meeting of the company, and at all subsequent meetings, all holders of bonds or debentures remaining in default shall in respect thereof have and possess 45 the same rights and privileges for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond or debenture in respect of which he claims to exercise such rights has been registered in his name at least ten days before the exercise of the right to vote 5 thereon, and the Company shall be bound on demand to register such bonds or debentures and any transfers thereof in the same manner as shares or transfers of shares.

Power to enter premises certain cases.

21. If a customer of the company gives notice of his intenof customer in tion to discontinue the use of electricity or electric current 10 furnished by the company, or if the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may at all reasonable times enter the premises in and upon which such customer was supplied with electricity or electric current, for the purpose of removing 15 therefrom any fittings, machines, apparatus, wires or other things, being the property of the company in or upon such premises, and may remove the same, doing no unnecsssary damage.

Company may cut off supply of electricity on non pay-ment of rent.

22. If any person supplied by the company with electricity 20 or electric current neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company or any person acting under its authority, on giving seven days' previous notice may stop the supply of electricity or electric current from entering the premises of 25 the person in arrears as aforesaid by cutting off the service wires or wire, or by such other means as the company or its offic rs see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the electric current, in any competent court notwithstanding any contract 30 to furnish for a longer time.

Power to remove property of company.

- 23. In all cases where the company may lawfully cut off and take away the supply of electricity or electric current, the company may enter and remove and take away any wire, meter guard, fittings or apparatus, the property of and belong- 35 ing to the company, and any servant of the company duly authorized may enter any building or premises into which electricity or electric current has been carried for the purpose of examining any wires, fittings or apparatus belonging to the company, and making any necessary repairs thereof.
- 24. The word "corporation" as hereinbefore mentioned shall extend to and include municipal corporations within and throughout the said counties of York and Simcoe.



5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act to incorporate the Northern Electric Company.

(Private Bill.)

First

Reading,

, 1902.

Mr. CONMEE.

TORONTO:

PRINTED BY L. K. CAMEBON,
Printer to the King's Most Excellent Majesty.

### An Act to incorporate the Northern Power Company.

WHEREAS Thomas Harold Brunton, gentleman, David Preamble Lloyd, clerk of Division Court, Albert Edward Widdifield, bailiff, Isaac M. Hogg, lumberman, all of the Town of Newmarket, in the County of York, and Jess M. Walton, of the Village of Aurora, in the said county, banker, have by their petition prayed that an Act may be passed incorporating them as a company for the purpose of developing or acquiring electrical power and supplying the same to municipalities and private persons and companies in the counties of York and Simcoe; and whereas The Act respecting the incorporating of of Companies for supplying Steam, Heat, Light or Power is limited in its application to a company incorporated for the purpose of supplying electricity within a particular municipality; and whereas it appears that it would be a great public convenience to municipalities situate in the said counties to be supplied with electricity by one company and such supply could be obtained at less expense than by the incorporation of separate companies in such municipalities; and whereas it is expedient to grant the prayer of the petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas Harold Brunton, gentleman; David Lloyd, clerk Incorporate division court; Albert Edward Widdifield, bailiff; Isaac tion.

M. Hogg, lumberman, all of the Town of Newmarket, in the County of York, and Jess M. Walton, of the Village of Aurora, in the County of York, banker, and such other persons, firms and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of The Northern Power Company, Corporate hereinafter called "The Company."

2. The head office of the company shall be at the Town of Head office. Newmarket, or at such other place within the Counties of York and Simcoe as the directors of the company may by bylaw determine.

Provisional directors.

3. The persons named in the first section of this Act shall be the provisional directors of the company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the company only.

Capital stock.

4. The capital stock of the company shall be \$40,000, divided into shares of one hundred dollars each, and may be called up from time to time by the directors by by-law as they may deem necessary.

First meeting of share-holders.

5. So soon as fifty per cent. of the amount of the capital stock has been subscribed, and fifty per cent. thereon has been paid into one of the chartered banks of Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the Town of Newmarket, or such other place as they may determine, for the purpose of electing the first directors of the company, and notice thereof shall be given, signed by or on behalf of the provisional directors calling such meeting, of the date and place of holding the same, mailed, postage pre-paid, to the post office address of each shareholder not less than fifteen days previous to the holding of such meeting.

Annual meeting.

Notice.

6. The annual general meeting of the shareholders shall be held on the last Tuesday in February in each year, or upon such other day in each year as the directors of the company may from time to time by by-law determine.

Directors.

- 7. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock present in person or represented by proxy, who have paid all calls due on their shares, shall choose not less than five nor more than nine persons, each of whom shall hold at least ten shares of the capital stock of the company, to be directors of the company; three directors shall form a quorum, and one or more of them may be paid directors of the company.
- (2) The directors elected at the first general meeting of shareholders shall hold office until the first annual meeting of the company.

General powers.

- 8. The company may within the townships of Morrison and Wood in the District of Muskoka and the counties of York and Simcoe and the several municipalities thereof:
- (a) Produce, manufacture, acquire, supply, sell and dispose of electricity for heat, light and power, and for any other purposes for which the same may be used;
- (b) Acquire, manufacture, construct, lay, erect, maintain, complete and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and

machinery as are or may be used in any way in connection with the business of production, manufacture, acquisition and supply of electric current or electricity for any purpose, and may lease, sell or otherwise deal with or dispose of the same.

- (c) Acquire by purchase, license, lease or otherwise, and use, license or otherwise dispose of electricity, electric current and any real and personal property, water powers, rights, easements and privileges in connection with the production, manufacture or supply of electricity and electric current for heat, light or power, or for any other purposes for which the same may be used.
- (d) Construct transmission lines and maintain and operate wires to conduct electricity and electric current for the purposes aforesaid, over, along and across the highways, roads, streets and public places of the several and respective municipalities of York and Simcoe and the Townships of Morrison and Wood in the District of Muskoka, or any of them, provided always that the powers given by this subsection shall only be exercised under and subject to such agreement in respect thereof as shall be made between the company and any of such municipalities, and under and subject to any by-law of the council of the municipality passed in pursuance thereof; and over and across private property with the assent of the owner or occupant thereof.
- 9.2 The company may with the consent of the shareholders Power to acas shewn by a resolution passed and approved of by the votes quire rights of the holders of at least two-thirds in value of the subscribed of other corstock of the company, spurchase, lease or otherwise acquire and porations. take over in whole or in part under a mutual agreement between the company and any other corporation which has been or may be authorized to exercise similar powers within and throughout the municipalities in the said Counties of York and Simcoe, or any one or more of them, and may thereafter hold, exercise and enjoy the property, rights, powers and privileges of any such corporation, and may pay the consideration therefor in paid up capital stock of the company, or in debentures or otherwise as may be agreed upon, and may also undertake, assume and pay the obligations, contracts and engagements of the said corporation, and may also purchase or otherwise acquire the shares of the said corporation; and every such corporation is hereby authorized and empowered to make and enter into any such agreement.

10. Aliens and companies incorporated abroad, as well as Corporations British subjects and corporations, whether resident in this may be shareprovince or elsewhere, and municipal corporations in the said counties of York and Simcoe, may be shareholders in the company, and corporations may appoint any one or more members of the board of directors or council of such corporation to represent such corporation, and he and they shall be entitled to

act and vote and shall be eligible to hold the office of director. of the company.

Paid up shares may be issued in payment for properties acquired

11. The directors of the company may with the sanction of two thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same, make and issue as paid up and non-assessable shares of the capital stock of the company in payment for the business, franchises, undertaking, property, rights, powers, privileges and assets which may be

57, 58 Vic. c. 110.

acquired as aforesaid, and may allot and hand over such shares to the said corporations or any one or more of them respectively, or to their shareholders respectively, as may be agreed upon.

Issue of bonds authorized.

12. The directors may from time to time for the purposes or debentures of the company, when authorized by by-law for that purpose passed and approved of by the votes of the holders of at least two thirds in value of the stock of the company qualified to vote, present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent. of the then paid up capital stock of the company, as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rates of interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

The general statutory nower.

Directors may

company's

property.

13. The directors of the company may in addition to the powers conferred by the next preceding section of this Act, borrow money on ecurity of from time to time at their discretion borrow money for the purposes of the company and secure the repayment of any of the moneys so borrrwed, or any other moneys owing by the company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of all or any of the assets and property of the company, provided that the amount so borrowed s'all not at any time be greater than twenty-five per cent. of the paid up stock of the company, but the limitation made by this section shall not apply to commercial paper discounted by the company, or to the borrowing powers conferred by the next preceding section of this Act.

Increase of capital stock.

14. After the whole of the capital stock hereby authorized has been subscribed and fifty per cent. thereon paid up, the capital stock of the company may be increased from time to time to an amount not exceeding five hundred thousand dollars by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the company, present in person or represented by proxy, at a special general meeting of the shareholders duly called for considering the same; and such increased capital stock shall only be issued on payment of the fees established in that behalf, and shall be dealt with in the same manner as the original capital stock of the company.

- 15 The directors may issue and sell or pledge all or any Sale of bonds. of the bonds or debentures authorized as aforesaid at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or may use all or any of the said bonds for the purposes hereinbefore provided.
- 16. The company may grant to the holders of such bonds Rights of or debentures, or to the trustee named in the mortgage deed, holders of all and every such powers, rights and remedies as the directors may think expedient, and all such rights, powers and remedies shall be valid and available to the holders of such bonds and debentures in the manner therein mentioned.

- (a) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in The Ontario Gazette.
- (b) It shall not be necessary in the exercise of powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond or debenture issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of The Bills of Sale and Chattel Mortgage Act, or any Act requiring the Rev. Stat. registration or renewal of mortgages of chattels, but any mort- c. 148. gage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth as if the provisions of the said Bills of Sale and Chattel Mortgage Act, or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

17. Until they have been surrendered and lawfully can-Bonds first celled the bonds or debentures hereby authorized to be issued lien. shall be taken and considered to be the first preferential claim and charge upon the company, and the powers and privileges acquired under this Act, and the franchises, undertaking, income, rents and revenues, and real and personal property mentioned in the said mortgage.

Exercise of power to issue bonds.

18. The power of issuing bonds conferred upon the company shall not be considered as being exhausted by any single issue, but such power may from time to time be exercised upon the bonds constituting any issue being withdrawn or paid off and duly cancelled.

Right of holder of bond. 19. Each holder of the said bonds or debentures shall be deemed to be a mortgagee pro rata with all other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or debentures, or interest thereon, except through the trustee or trustees appointed by or under the mortgage deed.

Voting powers of holder of bond.

- 20. If the company makes default in paying the principal off or interest on any of the bonds or debentures hereby authorized at the time when the same becomes due and payable, then at the next annual meeting of the company, and at all subsequent meetings, all holders of bonds or debentures remaining in default shall in respect thereof have and possess the same rights and privileges for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.
- (a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond or debenture in respect of which he claims to exercise such rights has been registered in his name at least ten days before the exercise of the right to vote thereon, and the Company shall be bound on demand to register such bonds or debentures and any transfers thereof in the same manner as shares or transfers of shares.

Power to enter premises of customer in certain cases

21. If a customer of the company gives notice of his intention to discontinue the use of electricity or electric current furnished by the company, or if the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may at all reasonable times enter the premises in and upon which such customer was supplied with electricity or electric current, for the purpose of removing therefrom any fittings, machines, apparatus, wires or other things, being the property of the company in or upon such premises, and may remove the same, doing no unnecessary damage.

Company may cut off supply of electricity on non payment of rent. 22. If any person supplied by the company with electricity or electric current neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company or any person acting under its authority, on giving seven days' previous notice may stop the supply of electricity or electric current from entering the premises of the person in arrears as aforesaid by cutting off the service wires or wire, or by such other means as the company or its

officers see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the electric current, in any competent court notwithstanding any contract to furnish for a longer time.

- 23. In all cases where the company may lawfully cut off Power to and take away the supply of electricity or electric current, property of the company may enter and remove and take away any wire, company. meter, guard, fittings or apparatus, the property of and belonging to the company, and any servant of the company duly authorized may enter any building or premises into which electricity or electric current has been carried for the purpose of examining any wires, fittings or apparatus belonging to the company, and making any necessary repairs thereof.
- 24. The word "corporation" as hereinbefore mentioned shall extend to and include the said Townships of Morrison and Wood and the municipal corporations within and throughout the said counties of York and Simcoe.

5th Session, 9th Legislature, 2 Edward VII, 1902.

# BILL.

An Act to incorporate the Northern Power Company.

First Reading, 4th February, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

## An Act to incorporate The New Ontario Central Railway Company

WHEREAS Peter Livingstone, Charles Rubridge Dunsford Preamble.

and Benjamin McConnell, all of the Town of Morden, in the Province of Manitoba. Fremont Crandell and Hugh O'Leary, of the Town of Lindsay, in the County of Victoria

5 and Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The New Ontario Central Railway Company" for the purpose of constructing and operating a railway from some point between Wabigoon and Eagle River Stations on the line of the Canadian Pacific

10 Railway, thence in a northerly direction to a point at or near the west end of Lac Seul in the district of Rainy River and branch lines not exceeding 12 miles in length and it has been represented that the line of the railway of the company so to be incorporated will for the most part be constructed in the

15 unorganized part of the province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway the provisions of The Electric Railway Act are not applicable to the company so to be incorporated, and the said petitioners have prayed that

- 20 there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition.
- 25 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Peter Livingstone, Charles Rubridge Dunsford and Benja-Incorporation.
min James McConnell, Fremont Crandell and Hugh O'Leary, and

- 30 such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted abody corporate and politic under the name of "The New Ontario Central Railway Company" hereinafter called "the company."
- 35 2. The company is hereby authorized and empowered to Location of survey, lay out, construct, complete, equip and maintain a line.

  railway to be operated by steam or electricity with single or

double iron or steel tracks from some point on the line of the Canadian Pacific Railway between Wabigoon and Eagle River stations in the district of Rainy River thence in a northerly direction to some point at or near the west end of Lac Seul, and to construct and operate one or more branch lines of rail- 5 way, each branch not to exceed 12 miles in length; and the said railway or any part thereof so far as the same may be operated by electricity may be carried along and upon such public highways as may be authorized by the By-laws of the respective corporations having jurisdiction over the same, and 10 subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any 15 agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and The Municipal Act, and any Act or Acts amending the same.

Gauge.

3. The gauge of the said railway shall be four feet eight 20 and one-half inches.

Provisional directors.

4. The said Peter Livingstone, Charles Rubidge Dunsford and Benjamin James McConnell, Fremont Crandell and Hugh O'Leary, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the com- 25 pany, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Subscription of stock.

5. The said board of provisional directors shall have power and allotment forthwith to open stock books and procure subscriptions of 30 stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus 35 or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under The Railway Act of Ontario, are vested in ordinary directors. The said directors or a majority of 40 them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at 45 any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation 50

Rev. Stat. c. 207.

the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at 5 the City of Toronto, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purposes Conveyance of, and powers given by this Act, made in the form set forth of land to in Schedule A, hereunder written, or to the like effect, shall

- 10 be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under 15 the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof, and cer-
- 7. No subscription for stock in the capital of the company Subscriptions 20 shall be binding on the company unless it shall be approved for stock when by resolution of the directors, nor unless ten per centum of the binding. amount subscribed has been actually paid thereon within one month after subscription.

tificates endorsed on the duplicates thereof.

8. The company may receive, from any government or Aid to 1ail-25 from any persons or bodies corporate, municipal or politic, way. who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon 30 such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated Capital stock. shall be \$250,000 (with power to increase the same in the manner provided by The Railway Act of Ontario), to be Rev. Stat. divided into 2,500 shares of \$100 each, and shall be raised by c. 207.

the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with 40 the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes

of this Act.

35 the persons and corporations who may become shareholders in

10. When and as soon as shares to the amount of \$50,000 First election 45 of capital stock in the said company shall have been subscri- of directors. bed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall, on no

account, be withdrawn therefrom unless for the services of the company, the said provisional directors. or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said District of Rainy River, of the time, place and purpose of the said meeting.

Number of directors and quorum. 11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meet- 10 ing have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual 15 meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and bylaws as may be deemed expedient and are not inconsistent with this Act and The Railway Act of Ontario; and the said board may employ and pay one of their number as managing 20 director.

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

25

Power to construct line in sections.

Rev Stat. c. 207.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then 30 ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of The Railway Act of Untario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the com- 35 pany may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway 40 Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said rail- 45 way is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses 50

of the said Railway Act and the amendments thereof with respect to "plans and surveys."

- 14. Aliens and companies incorporated abroad, as well as Rights of British subjects and corporations, may be shareholders in the aliens. 5 company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.
- 15. The directors may, from time to time, make calls as Calls on stock. 10 they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.
- 16. The provisional directors, or the elected directors may Payments 15 pay, or agree to pay in paid up stock, or in the bonds of the in stock or bonds. company, such sums as they may deem expedient to engineers or contractors or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the 20 promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the 25 company.

17. The head office of the company shall be at the City Head office of Toronto, and the general annual meeting of the share-adgeneral holders of the company shall be held in such place in the said annual meeting. 30 City of Toronto, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in The Ontario Gazette, and once a week in one newspaper published in the said District of Rainy River, during the four weeks im-35 mediately preceding the week in which such meeting is to take place.

18. Special general meetings of the shareholders of the said Special general meetings. company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided 40 in the last preceding section.

19. At all meetings of the company the shareholders there-Proxies. of may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who 45 is not himself a shareholder in the company.

Tasue of bonds.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and 5 the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of The Railway Act of Ontario shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds, etc., how payable.

Transfer of bonds.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secre- 20 tary or treasurer, as may be provided by the by-laws of the company, which by laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper author- 25 ity until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or 30 bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as 35 money or as the notes or bills of a bank.

Mortgaging or pledging bonds.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements with other companies for ing rolling

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other comleasing or hir-pany or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other 45 moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

25. The company may also construct an electric telegraph Telegraph line and a telephone line throughout and along the whole line and telephone lines. of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines,

- 10 the powers conferred upon telegraph companies by The Act respecting Telegraph Companies being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city,
- 15 town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.
- 26. Any municipality, or any portion of a township muni- Aid from cipality, which may be interested in securing the construction municipalities. of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or deben-

25 tures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers

30 of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

27. Such by-law shall be submitted by the municipal Submitting council to the vote of the ratepayers in manner following, bonus by-laws 35 namely:

- (1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the 40 municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.
- (2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipali-45 ties of the county who are qualified voters under The Municipal Act and the amendments thereto.
  - (3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident

freeholders, being duly qualified voters under The Municipal Act and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that 5 of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

- 28. Such by-law shall in each instance provide:
- (1) For raising the amount petitioned for in the municipal- 10 ity or portion of the township municipality (as the case may be', mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed 15 in the said by-law.
- (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the 20 repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal conneils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Deposit before by-law is submitted.

29. Before any such by-law is submitted, the railway com- 25 pany shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass rate-payers.

30. In case the by-law submitted be approved of and assented to by carried, in accordance with the provisions of the law in that 30 behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or 35 other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality

32. In case any such loan, guarantee or bonus, be so granted 40 by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

33. The provisions of The Municipal Act and the amend-Application of ments thereto, so far as the same are not inconsistent with this previsions of Rev. Stat. Act, shall apply to any by-law so passed by or for a portion of c. 223. a township municipality, to the same extent as if the same had 5 been passed by or for the whole municipality.

34. The councils for all corporations that may grant aid by Councils may way of bonus to the said company may, by resolution or by-law, extend time for commenceextend the time for the commencement of the work beyond ment. that stipulated for in the by-law or by-laws granting such aid, 10 from time to time; provided that no such extensior shall be for a longer period than one year.

municipality that may grant aid by way of bonus, to the said extend the time for comcompany, by resolution or by law, to extend the time for the pletion. 15 completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

35. It shall and may be lawful for the council of any Councils may

36. Any municipality, or portion of a township municipality, Extent of aid 20 interested in the construction of the railway of the com- from municipany, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by 25 law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of

37. It shall be lawful for the corporation of any munici- By-law grant-30 pality through any part of which the railway of the com- from taxation. pany passes, or in which it is situate, by by law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain 35 sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation

may deem expedient, not exceeding twenty-one years, and no 40 such by-law shall be repealed unless in conformity with a con-

38. Any municipality through which the said railway may Gifus of lands. pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over 45 which it may have control, which may be required for right

of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any

2-58

dition contained therein.

the rateable property therein.

government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of ponus or gift to the 5 railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have 10 granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in 15 Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his 20 place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in 25 Council.

Trusts of proceeds of debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company and subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or 30 otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The New Ontario Central Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the 35 company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law 40 have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may 45 sue therefor.

Fees to trustees. 41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

42. Whenever it shall be necessary for the purpose of Power to purprocuring sufficient land for stations, or gravel pits, or for con- chase whole structing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may

10 sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses Rev. Stat. of The Railway Act of Ontario shall not apply to this c. 207.

section

43. When stone, gravel, earth or sand is or are required Acquiring 15 for the construction or maintenance of said railway or any part materials for construction. thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they 20 shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration,

the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of The Railway Act of Ontario, and of this Rev. Stat. 25 Acs, as to the service of the said notice, arbitration, compen- c 207.

sation, deeds, payment of money into court, the right to sell, the right to convey, and the parti s from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and 30 such proceedings may be had by the company either for the

right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

44.-(1) When said gravel, stone earth or sand shall be Sidings to taken under the preceding section of this Act, at a distance gravel pits. from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material

40 shall be found, whatever the distance may be; and all the provisions of The Railway Act of Ontario and of this Act, Rev. Stat. except such as relate to filing plans and publications of notice, c 207. shall apply and may be used and exercised to obtain the right

of way from the railway to the land on which such materials 45 are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said 50 railway.

Rev. Stat. c. 207. (2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Untario* shall not apply.

Power to erect snow fences.

- 45. The company shall have the right on and after the first day of November in each year to enter into and upon 5 any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law 10 in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.
  - 46. The company shall have power and authority:—

Warehouses, docks, etc. (1) To purchase land for and erect power-houses, ware-15 houses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam 20 or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary buildings, wharves, etc. (2) To erect and maintain all necessary and convenient 25 buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of 30 the passengers, freight, and business of the railway.

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

35

Lease or sell electricity not required for railway.

Rev. Stat. c. 200. (4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions 40 of joint stock companies incorporated under The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas, for Heat, Light or Power, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Acquiring rights for conveying electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of

the said railway, and with the consent of the councils of the municipalities affect d, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon 5 any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines or the conduits for such electricity. upon and subject to such agreement in respect thereof as 10 shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality, 15 passed in pursuance thereof.

47.—(1) The railway of the company shall not be con- Construction structed or operated on, upon or along any street, highway on streets, etc. or public place of any municipality until first authorized by an agreement in respect thereto made between the company 20 and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or 25 other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommo le the public use of such street, high-30 way or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as poss-35 ible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously inter upt navigation in any navigable water.

(2) The by-laws mentioned in section 2, subsection 5 of 40 the preceding section and in this section shall be subject to the conditions and provisions of section 632 of The Municipal Rev. Stat. c. 223, s. 632. Act.

48. It shall and may be lawful for the company at any Power to ourpoint where the railway, or any branch thereof, app oaches chase wharves 45 within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build 50 and erect elevators, storehouses, warehouses and engine-

houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and main- 5 tain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading an l unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, 10 water frontages, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell lease or convey.

Power to ho'd property at extremities of railway.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the 15 said railway for the purpose of building thereon store-houses, warehouses, engine houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water 20 course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Agreements tion.

50. The company is authorized and empowered to make for amalgama- necessary arrangements to contract and agree with the Cana- 25 dian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation, provided that the terms of such amalgamation are approved of by two thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for 30 that purpose in accordance with this Act.

Arrangements with other companies.

51. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value 35 of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any 40 portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements 45 and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or 50

entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as 5 purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

52. Shares in the capital stock of the company may be Transfer of transferred by any form of instrument in writing, but no trans- shares. 10 fer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

53. The company shall have power to collect and receive Payment of 15 all charges, subject to which goods or commodities may come on goods. into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall 20 be subrogated by such payment in all the rights and remedies of such persons for such charges.

54. The provisions of The Electric Railway Act shall not Incorporation apply to the company hereby incorporated but the several of Rev. Stat. clauses of The Railway Act of Ontario, and of every Act in c. 207. 25 amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall 30 be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

55. The railway shall be commenced within three years Commenceand finally completed within seven years after the passing of pletion of line. 35 this Act.

# SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ , paid to me (or us) by The New Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ , paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, (de scribe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The New Ontario Central Railway Company, their successors and assigns forever. (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 19
Signed, sealed and delivered in the presence of [L S]

#### SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S CERTIFICATE.

The New Ontario Central Railway Company's Office, No. A.D. 19

#### ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The New Ontario Central Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign

I, chief engineer of The New Ontario Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of

19 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been fulfilled).



5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL

An Act to Incorporate The New Ontario Central Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The New Ontario Railway Company

HEREAS Peter Livingstone, Charles Rubridge Dunsford Preamble. and Benjamin McConnell, all of the Town of Morden, in the Province of Manitoba. Fremont Crandell and Hugh O'Leary, of the Town of Lindsay, in the County of Victoria and Povince of Ontario, have by their petition prayed for an Act of incorporation under the name of "The New Ontario Railway Company" for the purpose of constructing and operating a railway from some point between the Village of Dryden and Vermilion Bay on Eagle Lake on the line of the Canadian Pacific Railway, thence in a northerly direction to a point at or near the west end of Lac Seul in the district of Rainy River and branch lines not exceeding 12 miles in length and it has been represented that the line of the railway of the company so to be incorporated will for the most part be constructed in the unorganized part of the province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway the provisions of The Electric Railway Act are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons afore aid the circumstances of said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. Peter Livingstone, Charles Rubridge Dunsford and Benja- I. co poration. min James McConnell, Fremont Crandell and Hugh O'Leary, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The New Outario Railway Company" hereinafter called 'the company."

2. The company is hereby authorized and empowered to Location of survey, lay out, construct, complete, equip and maintain a line. railway to be operated by steam or electricity with single or

double iron or steel tracks from some point on the line of the Canadian Pacific Railway between the Village of Dryden and Vermilion Bay on Eagle Lake thence in a northerly direction to some point at or near the west end of Lac Seul, in the district of Rainy River, and to construct and operate one or more branch lines of railway, each branch not to exceed 12 miles in length; and the said railway or any part thereof so far as the same may be operated by electricity may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, The Electric Railway Act and The Municipal Act and any Act or Acts amending the same; \*\* provided that The Electric Railway Act shall not apply to the company except in so far as the railway is constructed along or upon a public highway.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Peter Livingstone, Charles Rubidge Dunsford and Benjamin James McConnell, Fremont Crandell and Hugh O'Leary, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

of stock.

5. The said board of provisional directors shall have power Subscription 5. The said board of provisional directors shall have power and allotment forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under The Railway Act of Ontario, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of

Rev. Stat. c. 207.

directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purposes Conveyance of, and powers given by this Act, made in the form set forth of land to in Schedule A, hereunder written, or to the like effect, shall company. be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy five cents for registering the same, including a'l entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company Subscriptions shall be binding on the company unless it shall be approved for s'ock when binding. by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

- 8. The company may receive, from any government or Aid to railfrom any persons or bodies corporate, municipal or politic, way who may have power to make or grant the same aid towards the construction equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.
- 9. The capital stock of the company hereby incorporated Capital stock. shall be \$250,000 (with power to increase the same in the manner provided by The Railway Act of Ontario), to be Rev Stat. divided into 2,500 shares of \$100 each, and shall be raised by c. 207. the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.
- 10. When and as soon as shares to the amount of \$100,000 First election of capital stock in the said company shall have been subscri- of directors.

bed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors. or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said District of Rainy River, of the time, place and purpose of the said meeting.

Number of directors and quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and bylaws as may be deemed expedient and are not inconsistent with this Act and The Railway Act of Ontario; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Power to construct line in sections.

Rev. Stat. c. 207.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of The Railway Act of Untario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as Rights of British subjects and corporations, may be shareholders in the alie s. company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

- 15. The directors may, from time to time, make calls as Calls on stock. they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount sub scribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.
- 16. The directors may enter into a contract or contracts with Directors emany individual, corporation or association of individuals for powered to the construction or equipment of a railway or any part thereof pay in stock. including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

17. The head office of the company shall be at the City Head office of Toronto, and the general annual meeting of the share- and general annual meeting of the shareholders of the company shall be held in such place in the said ing. City of Toronto, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in The Ontario Gazette, and once a week in one newspaper published in the said District of Rainy River, during the four weeks immediately preceding the week in which such meeting is to take place.

. 18. Special general meetings of the shareholders of the said Special gene. company may be held at such places, and at such times, and in al meetings. such manner and for such purposes as may be provided by the

by-laws of the company, and upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such
manner and by such means as the by-laws of the company may
provide, but no person shall be qualified to be so appointed who
is not himself a shareholder in the company.

Issue of bonds.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub sections 19, 20, 21, 22 and 23 of section 9 of The Railway Act of Ontario shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds, etc., how payable.

Transfer of bonds.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or hills of a bank.

Mortgaging or pledging bonds. 23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

24. It shall be lawful for the directors of the company to Agreements with other enter into an agreement or agreements with any other companies for pany or companies, if lawfully authorized to enter into such leasing or hiragreements, or with any person or persons, for leasing, hiring stock. or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

25. The company may also construct an electric telegraph and telephone line and a telephone line throughout and along the whole line lines. of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by The Act respecting Telegraph Companies being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

26. Any municipality, or any portion of a township muni- Aid from municipalicipality, which may be interested in securing the construction ties. of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or deben-tures, by way of bonus gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

27. Such by-law shall be submitted by the municipal bosus by-laws council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the

Submitting

municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

- (2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.
- (3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.
- (4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

- 28. Such by-law shall in each instance provide:
- (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.
- (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal conneils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Deposit before by-law is submitted.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by rate-payers.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of d. bentures.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures

provided for by the by-law, and deliver the same, duly executed to the trustees appointed, or to be appointed, under this

32. In case any such loan, guarantee or bonus, be so granted Levying rates by a portion of a township municipality, the rate to be levied on portion of for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

33. The provisions of The Municipal Act and the amend- Application of ments thereto, so far as the same are not inconsistent with this previsions of Rev. Stat. Act, shall apply to any by-law so passed by or for a portion of c. 223. a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

34. The councils for all corporations that may grant aid by Councils may way of lonus to the said company may, by resolution or by-law, extend time for commenceextend the time for the commencement of the work beyond ment. that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extensior shall be for a longer period than one year.

35 It shall and may be lawful for the council of any Councils may municipality that may grant aid by way of bonus, to the said extend the time for com-company, by resolution or by law, to extend the time for the pletion. completion of the works on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

36. Any municipality, or portion of a township municipality, Extent of aid interested in the construction of the railway of the com- palities. pany, may grant aid by way of bonus to the company towards the construction of such railway, notwithstending that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

37. It shall be lawful for the corporation of any munici-By-law grantpality through any part of which the railway of the com- irg exemption pany passes, or in which it is situate, by by law especially from taxation. passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum. or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no

such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of ponus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company sha'l be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company and subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The New Ontario Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled there o, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque

or order drawn by the said trustees for such paymentor delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

- 41. The trustees shall be entitled to their reasonable fees Fee to and charges from the said trust fund, and the act of any trustees. two of such trustees shall be as valid and binding as if the three had agreed.
- 42. Whenever it shall be necessary for the purpose of Power to purprocuring sufficient land for stations, or gravel pits, or for con-chase whole structing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses Rev. Stat. of The Railway Act of Ontario shall not apply to this c. 207. section.

43. When stone, gravel, earth or sand is or are required Acquiring for the construction or maintenance of said railway or any part materials for thereof, the company may, in case they cannot agree with the construction, owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of The Railway Act of Ontario, and of this Rev. Stat. Acs, as to the service of the said notice, arbitration, compen- c. 207. sation, deeds, payment of money into court, the right to sell, the right to convey, and the parti s from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

44.-(1) When said gravel, stone earth or sand shall be Sidings to taken under the preceding section of this Act, at a distance gravel pits. from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the

Rev. Stat. c. 207.

provisions of The Railway Act of Ontario and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials. are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of The Railway Act of Untario shall not apply.

Power to erect snow fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

### 46. The company shall have power and authority:

Warehouses, docks, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway:

Erect necessarv buildings, wharves, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight, and business of the railway.

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell required for railway.

(4) To sell or lease in the unorganized territory and in electricity not any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the

terms and conditions of such by-laws, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under The Act res. Rev Stat. pecting Companies for supplying Steam, Heat, Electricity or c. 200. Natural Gas, for Heat, Light or Power, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

(5) To purchase the right to convey electricity required Acquiring for the working of the railway and lighting or heating the conveying same over, through or under lands other than the lands of electricity. the said railway, and with the consent of the councils of the municipalities affect d, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines or the conduits for such electricity. upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality, passed in pursuance thereof.

47.—(1) The railway of the company shall not be con- Construction structed or operated on, upon or along any street, highway in streets, itc. or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommo te the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Rev. Stat. c. 223, s. 632.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Power to purchase wharves

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engines houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loa ling an l unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, store houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell lease or convey.

Power to hold additional property at extremities of railway.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the useful ness of such stream or water course.

Agreements for amalgamation. 50. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation, provided that authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose.

Arrangements with other companies.

51. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such

agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company her by incorporated to enter into an agreement with the said company, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, ten!ers, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensa ion there'or, if the arrangements and agreements shall be so authorized by two thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing leasing or entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legi-lative authority of the Province of Ontario.

52. Shares in the capital stock of the company may be Transfer of transferred by any form of instrument in writing, but no trans-shares. fer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

53. The company shall have power to collect and receive Payment of all charges, subject to which goods or commodities may come on goods. into their pessession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

54. Save as expressly provided by this Act the provisions Incorporation of The Electric Railway Act shall not apply to the company of Rev. Stat. hereby incorporated but the several clauses of The Railway c. 207. Act of Onturio, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

ment and com-

55. The railway shall be commenced within three years pletion of line, and finally completed within seven years after the passing of this Act.

A. T Exclusive rights not o municipalities.

56. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the be granted by power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

ATT. Agreement wi ho her companies to be subject to general regulations.

57. The authority and pow r conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or biring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, condi ions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order. The

### SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the rendor or vendors) in consideration of \$ me (or us) by The New Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in and I (or we) (insert the name or names of any other party or parties) in consideration of \$\( \), paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parce's, as the case may be) of land, (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The New Ontario Railway Company, their successors and assigns forever these supertures the clauses conditions and core sors and assigns forever there insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this 19 day of

Signed, sealed and delivered in the presence of

[LS]

### SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S CERTIFICATE.

The New Ontario Railway Company's Office, No.

A.D. 19

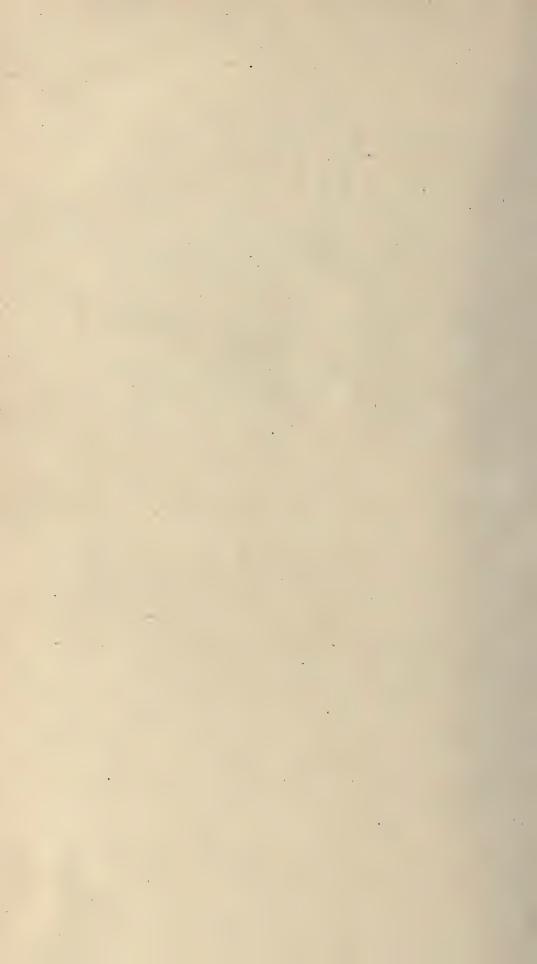
#### ENGINEER'S DEPARTMENT.

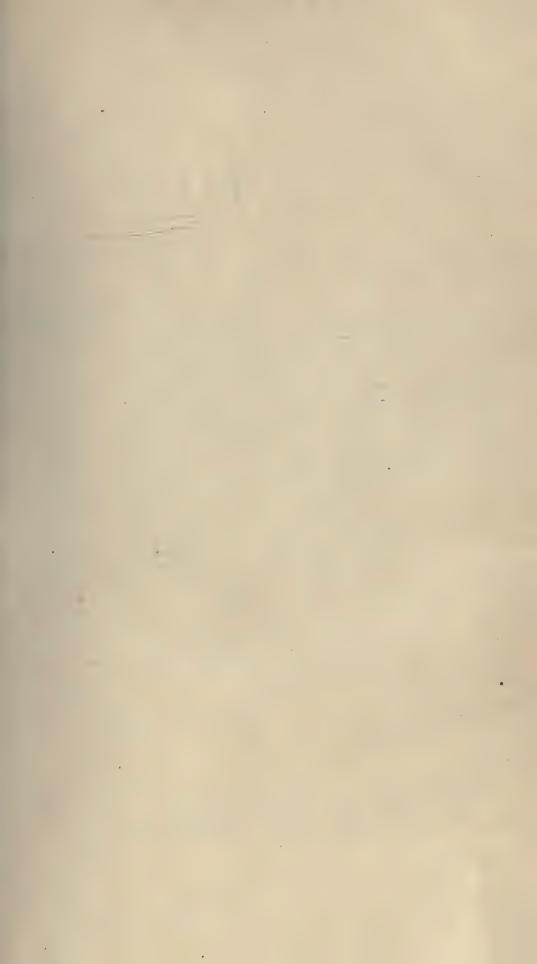
Certificates to be attached to cheques drawn on The New Ontario Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign

I, chief engineer of The New Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of 19, between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been fulfilled).

3-58





5th Session, 9th Legislature, 2 Edward VII., 1902.

### BILL.

An Act to Incorporate The New Ontario Railway Company.

First Reading, 17th February, 1902.

(Reprinted as amended by the Railway Committee.)

Mr. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Township of Etobicoke.

WHEREAS the corporation of the Township of Etobicoke, Preamble. in the County of York, by petition has represented that the said municipality is situated in close proximity to the City of Toronto, and that numerous portions of property 5 have been sub divided into building lots under registered plan, thereby causing a large non resident assessment; and whereas the Treasurer of the said municipality has been given the power to conduct its own tax sales, and to collect all arrears; and whereas the application of certain sections of 10 The Municipal and Assessment Acts, which apply to cities and towns, would facilitate and simplify the assessment of the said municipality; and whereas by the said petition it has been asked that the said corporation be empowered to appoint the Treasurer to levy and collect all taxes, rates and assess-15 ments imposed by said council from year to year; and that the said corporation may appoint their clerk assessment commissioner and that notwithstanding anything to the contrary in the Municipal or Assessment Acts but that they may be enabled to hold both offices; and whereas it has been made 20 to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas it is further asked that a certain by-law of the municipal corporation of the Township of Etobicoke, intituled "No. 761 a By-law 25 ratifying a certain agreement of the municipal council of the Township of Etobicoke with the Toronto Suburban Railway Company" and also said agreement, may be validated and confirmed:

Therefore His Majesty, by and with the advice and consent 30 of the Legislative Assembly of the Province of Ontario, enacts as follows :-

of Etobicoke may by by law appoint and authoriz their treasurer to levy and collect all three reterrand treasurer to levy and collect all taxes, rates and assessments act as 35 which may be imposed from year to year by said municipal collector. council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding.

1. The municipal council of the corporation of the Township By-law.

Clerk may be appointed assessment

2. The municipal council of the corporation of the Township of Etobicoke, in addition to powers conferred upon it to commissioner. appoint assessors under the provisions of section 295 of The Municipal Act may appoint their clerk assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform all the duties of assessors appointed under the provisions of said section 295; a d the said council shall also have power 10 by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council; and the said council shall have power to 15 appoint their clerk as said commissioner notwithstanding anything in any general Act to the contrary.

Treasurer to give notices as to arrears of taxes.

3. The provisions contained in section 147 of The Assessment Act requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk 20 shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the Township of Etobicoke; but in lieu thereof the treasurer shall give the notice by the said section required to be given by the clerk.

4. The council of the corporation of the Township of Etobicoke may pass by-laws for the purposes mentioned in subsections 5 and 6 of section 540 and subsections 4, 5 and 9 of section 559 of The Municipal Act, and sections 29 and 518 30 of the said Assessment Act.

By-law No.

5. By-law No. 761 of the municipal corporation of the 761 confirmed. Township of Etobicoke, intituled "A By law to ratify a certain agreement of the said township with The Toronto Suburban Railway Co." and also the said agreement is hereby validated and confirmed.

35

### SCHEDULE.

This indenture (made in duplicate) this day of January, in the year of our Lord one thousand nine hundred and two, between the municipal corporation of the Township of Etobicoke, hereinafter called the township of the first part; and the Toronto Suburban Railway Company, hereinafter called the company, of the second part.

Whereas the company has applied to the township for permission to construct and operate their railway upon and along Dundas street in the Township of Etobicoke.

And whereas the said township is willing to grant such permission upon . the terms and conditions hereinafter set forth and to enter into an agreement with the said company as is hereinafter contained.

Now therefore this indenture witnesseth that the said township and the said company have convenanted and agreed and by these presents do conventant and agree each with the other of them as follows: that is to say:--

- 1. The company its successors and assigns shall have the right so far as the township, has the power to grant the same under the supervision of the township engineer for the time being to construct, maintain, complete and operate and from time to time renew and repair an iron and steel surface electric railway or tramway subject to the conditions hereinafter specified upon and along the old toll road known as Dundas street and its deviations across the Township of Etobicoke and the Humber River and Etobicoke creek in the County of York; commencing at the easterly limit of the said township at Lambton Mi ls, thence southwesterly along the said Dundas street as travelled for a public road through the Village of Islington to the westerly limit of said township at Summerville.
  - 2. The company for the purpose of operating its railway may,-
- (a) Lay down such tracks, rails, cables, conduits and sub-structures upon and along Dundas street as above described as may be occupied by the company's railway under this agreement:
- (b) Maintain and erect such poles and wires as may be necessary upon and along the said Dundas street for the purpose of carrying wires and supporting the appliances necessary for operating the company's railway and for conducting electricity:
- (c) Construct and maintain and from time to time alter, repair and enlarge all necessary and convenient works, stations, buildings, platforms and conveniences and construct put in and maintain such culverts, switches, turnouts and sidings as may from time to time be found to be necessary for the operation of the company's railway on said Dundas street herein set out or for the purpose of leading to any track allowance or rights of way on lands adjacent thereto where the company's railway deflects from said Dundas street or to the company's power house or car sheds and the company may from time to time alter the location of such culverts switches, turnouts and sidings, but such alteration shall not be made without the consent of the township.
- 3. All work done under the authority of this agreement shall be done in a good workmanlike and proper manner and according to the then best existing modern practice under and subject to the supervision of the engineer of the said township for the time being with a right of appeal to the township council.
- 4. The roadway, tracks and rails of the said company laid on any portion of travelled street or road shall so far as practicable conform to the street or road and be laid as nearly as practicable flush with the street so as to cause the least possible impediment to the ordinary traffic of the street and all spaces between the rails and between the tracks turnouts, switches and sidings and for at least eighteen inches from the outside of each turnout, switch, siding or track or rail laying on or being next to the travelled road shall be kept constantly and continually in good order and repair by the said company; and at the intersection of the company's railway and cross streets or highways and at every private crossing the said company shall construct and keep in good repair for the with of the railway and for eighteen inches on the outside of each rail, crossings of a similar character to those adopted by the said township and shall construct underneath its track allowances such culverts, drains, waterways and ditches as are necessary for drainage purposes. And the company shall also erect and keep in good repair and in a cleanly condition suitable shelters for the protection of passengers, closed at least on three sides, one at or near the township hall Islington, and one at or near the intersection of Brown's line with Dundas street and known as the stone tavern corner to be so placed as the council or the engineer of the town. ship for the time being may direct.

- (5) The company may deflect its line from the said Dundas street and operate the same across and along private properties after expropriating the necessary right of way under the provisions of the statutes in that behalf or otherwise acquiring the same.
- (6) The company may at any time hereafter change the gauge of its railway now constructed or that may be hereafter constructed by the said company under any authority of the township, from the now or then existing gauge to the standard railway gauge, being four feet eight and one-half inches, or to such other gauge as may be hereafter adopted as a standard electrical gauge or to such gauge as may be in use upon the street railways or tramways in the City of Toronto in the discretion of the company and may with the consent of the township change the rail now in use by the said company on its railway now or hereafter to be constructed. All the works necessary for changing the said gauge or rail shall be made in a substantial manner according to the best modern practice.
- (7) The location of the line of railway on the said street or highway shall not be made until plans thereof showing the position of the poles and wires, the position of the rails, grades and turnouts, switches, stations and other works on said street or highway shall have been submitted to and approved of by the township engineer for the time being and a certified copy thereof filed with the said township.
- (8) That the said township shall have the right, after giving to the company five days' notice of its intention so to do, to take up any part or parts of the said Dundas street traversed by the rails or used by the company from time to time for the purpose of altering the grade thereof, constructing and repairing sewers, drains, culverts, sidecrossings, or for taking up or laying down or repairing pas or water pipes or mains and for all other purposes now or which hereafter may be within the province or privileges of the municipal corporation, without the company being entitled to any compensation therefor or any damages or expenses occasioned thereby or to the working of the railway or tramway or works or otherwise; and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed. The said township after the completion of any such works and improvements shall leave the said railway line, rails and substructure in substantially the same state and condition as before the commencement of any such works and improvements.
- (9) The rolling stock, rails and material to be used in the construction of the railway of the said company shall be at least equal in standard to that used in the construction of the Metropolitan Railway Company on Yonge street in the County of York.
- (10) That all persons using the said highway or road shall be at liberty to travel upon the portion of the roadway occupied or used by the said company in the same manner as upon other portions of the highway and vehicles of every kind and description shall be allowed upon the said portion of the highway so occupied or used as aforesaid, and the wheels of such vehicles shall be allowed upon the said rails without charge or hind-drance by the said company, excepting, however, that the cars of the said company shall have the first right of way over the said railway or tramway and all vehicles and such persons travelling thereon shall turn out on meeting or being overtaken by any car of the said company so as to give them full and absolute right of way, and the said township agrees on demand by the company to pass any by-law presented to them by the company to enforce the provisions of this section.
- 11. The said railway or tramway shall not be put in operation until after the engineer of the township for the time being or the council of the said township has certified that the portion of the said line of railway about to be operated has been constructed in compliance with the provisions of this agreement, but such certificate shall not be arbitrarily withheld.
- (12) The said company shall on or before the first day of July, 1902, commence the construction of the said railway or tramway and the track

laying as far as the Town Hall, in the Village of Islington, shall be constructed and ready for operation on or before the first day of January, 1903, and to the western limit of the said township on or before the first day of January, 1904; and, in case the company fall to construct its tracks as in this paragraph set forth, the township may give to the company sixty days' notice in writing to complete the said construction within a period to be fixed by the said township; such period to be, however, not less than sixty days from the date of such notice, and in case of default by the company the township may at its option pass a by-law declaring this agreement cancelled and at an end, in so far as it relates to that part of Dundas Street upon which the company's tracks have not been laid; provided, however, that if from any cause certified by the township engineer for the time being to be unavoidable the company is unable to make such progress as aforesaid within the time aforesaid, and the company uses all diligence to have such cause removed, the time hereinbefore fixed for the commencement and completion of the railway shall be extended for such further period from time to time as may be determined by the council and the engineer for the time being.

- 13. The company shall on and after the first day of January, 1903, unless prevented by accident or other unavoidable causes, run at least two trips in the forenoon and two trips in the afternoon, and at such hours as will best meet the wants of the residents along and adjacent to Dundas Street and the general public; such service to be each lawful day in the year, and on a regular time table, to be settled and approved of by the township council.
- 14. That the said railway shall at all times be operated with the greatest regard, care and attention to the public safety; and in case the electric motors or cars used by the company in operating its railway whilst passing along the railway cause alarm to any horses travelling or being upon the said streets, with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped, and the servants of the company in charge of such motors or cars shall, if necessary, assist the person or persons driving or riding or in charge of such horse or horses that may be alarmed; and the seed of the cars of the said railway or tramway on the highway shall not exceed twenty-five miles an hour. Passenger car conductors shall clearly announce the names of the streets, cross roads and public places as the cars reach them
- 15. The company may use its railway for the conveyance of freight, goods, merchandise and passengers.
- 16. That the said company shall have the right to remove all accumulations of ice and snow from and within its tracks and switches. Provided that any snow or ice placed by the company upon any portion of the highway shall be evenly spread thereon, and in such a manner as not to interfere with public travel.
- 17. The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by the township engineer or such engineer as the township may appoint for the purpose; and all work done under the authority of this agreement shall be done in the most substantial manner, and according to the test modern practice, under the superintendance and to the satisfaction of the said engineer with a right of appeal to the township council.
- 18. The said company, its successors and assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and by reason of the constructing, maintaining and operating of the said company's railway or tramway on the said highway, and the said company, its successors and assigns, shall indemnify and hold the said township in all respects harmless in respect thereto, and shall on demand forthwith pay to the said township or its assigns all sums payable by or recoverable against the said township in respect of any such claims for damages and costs, and for all sums of money, loss, costs, charges, damages or expenses of or incidental to such claims paid or incurred by the said township.

- 19. Should the said company neglect to keep its tracks or road or crossings or drains or grading in good condition according to the terms hereof or to make the necessary repairs hereunder, the said parties of the first part may give notice requiring the same to be done and if after such notification having been given such repairs be not made within one month thereafter the township shall be at liberty to make such repairs and charge the company with the costs thereof.
- 20. Subject to the terms of this agreement the said company, its successors and assigns, shall be subject at all times to all by-laws of the said township which now or may hereafter be in force in said township as respects highways.
- 21. The said township hereby exempts and agrees to enact and pass a by-law exempting all the property of the company and the income derived therefrom from the township rate of taxation for a period of ten years from the first day of January, 1903; provided, however, that if the company do not have their railway completed and in operation to the western limit of the township on or before the first day of January, 1904, then and in that case the council may repeal the by-law granting exemption from taxation.
- 22. The company hereby agrees to pay to the township the expenses of the engineer in carrying out and supervising under the terms hereof.
- 23. The privileges and franchises granted by this agreement are the exclusive right to operate the railway of the company upon and along the old toll road known as Dundas Street and its deviations across the Township of Etobicoke and the Humber river and Etobicoke creek, in the County of York, commencing at the easterly limit of the said Township of Etobicoke at Lambton Mills, thence southwesterly along said Dundas Street as travelled for a public road through the Village of Islington to the westerly limit of said township at Summerville for a period of thirty years from the fourth day of September, 1899, which shall be renewed at the expiration of such term and of each successive future term for such period and upon such terms and conditions as shall from time to time be mutually agreed upon between the township and the company or determined by arbitration under the provisions of The Municipal Act.
- 24. If at the expiration of any one of such terms the company is unwilling to renew on the terms determined upon by such arbitration the township may at its option take over all the real and personal property used in connection with the working of the said railway at a value to be determined by arbitration as aforesaid and the privileges of the company shall continue until the ownership is assumed by the township. In determining such value nothing shall be allowed for the privilege or franchise extending beyond such expired term.
- 25. Subject to the provisions of 1 Edward VII., Chap. 91, Sec. 44, the rates of fare to be charg d by the company for the carriage of passengers shall not exceed the rates of fare hereinafter set forth:—
- (a) Single cash fare from Lambton village as far west as the point where the Canadian Pacific Railway crosses Dundas Street to the corner of Keele and Dundas Streets, Toronto Junction, shall not exceed five cents; provided however that if the company deviate their railway from a point east of Lambton village in a northwesterly direction north of the C. P. R. track then and in that case the single cash fare from the point where the railway again strikes Dundas str.et, between the villages of Lamb on and Islington, to the corner of Keele and Dundas streets, Toronto Junction, shall not exceed five cents, and return fare the same
- (b) From the Township Hall, Islington, to the corner of Keele and Dundas streets, Toronto Junction, the fare shall not exceed the rate of four tickets for twenty-five cents, and return fare the same.

- (c) From the western limit of the said township at Summerville to the corner of Keele and Dundas streets, Toronto Junction, the fare shall not exceed the rate of three tickets for twenty-five cents, and return fare the same.
- (d) School children shall be entitled to a return ticket between the same points at rates not exceeding single fare rates. The rate of fare across the township in either direction shall not exceed the rate of fare between the town hall, Islington, and the corner of Keele and Dundas Streets, Toronto Junction, but the company shall not be compelled to carry any passenger any distance for less than five cents.
- 26. All passenger cars are to be at least equal to the Metropolitan cars in design or pattern for the service, comfort and safety of passengers and the public, including heating, lighting, signalling, fenders, furnishings; and the said cars shall be numbered, and the conductors and motormen shall wear numbered badges; said cars shall be kept clean both inside and outside, and the platform shall be provided with vestibules at each end.
- 27. The company will construct, maintain and operate its railway in the manner and upon the conditions in this agreement set forth, and will faithfully perform, fulfill and keep all the conditions, covenants and agreements in this agreement expressed and contained, or on the company's part to be performed, fulfilled and kept.
- 28. The company may erect poles and wires for the supply of electricity for light, heat and power on Dundas Street, but such right shall not be an exclusive right; and in case the company should install an electric light plant, it will supply sufficient current to sufficiently light the town or village hall of the said township as now situate in the Village of Islington free of charge to the said township for a term of ten years from the date of the installation of the said plant.
- 29. It is further understood and agreed that should at any time during the currency hereof the said railway or tramway cease to be operated for a period of six months, then the said township may, upon thirty days' notice in writing to the said company, take up the said railway or tramway and other equipment of the said railway, and repair the said roadway, and restore it to a proper condition at the expense of the said company, and the said company hereby agrees to pay to the said township the cost thereof.
- 30. In the event of any difference arising between the township and the company as to any matter or thing to be done or performed under the terms of this agreement, then the same except as hereinbefore provided shall be referred for determination under the provisions of The Act Relating to Arbitrations and References to the senior judge of the County of York for the time being, and an appeal shall lie from his decision to the High Court of Justice or other Superior Court having jurisdiction in this province in such matters, and from that court an appeal shall lie to the Court of Appeal for Ontario, but no further or other appeal shall lie from the decision of the Court of Appeal for Ontario.
- 31. In the event of legislation being required to confirm this agreement the township will support such legislation and hereby covenants and agrees to the same.
- 32. There shall be no unnecessary delay on the part of the township or its officers in the granting of any certificates required by any of the provisions of this agreement, but the township and its officers shall and will in all things, so far as is consistent with their duty, aid and assist the company in carrying out this agreement.
- 33. It is understood and agreed that the provisions hereof shall extend to and be binding upon each of the parties hereto and upon each of their successors and assigns.

In witness whereof the said township has caused their corporate seal to be hereunto affixed, and the reeve and the clerk have set their respective hands, and the said company have signed, sealed and delivered this indenture the day and year above written.

5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Township of Etobicoke.

First Reading,

1902.

(Private Bill.)

Mr. HILL

TORONTO
PRINTED BY L. K. CAMEI

Printer to the King's Most Excellent Majesty.

An Act respecting the Township of Etobicoke.

WHEREAS the corporation of the Township of Etobicoke, Preamble. in the County of York, by petition has represented that the said municipality is situated in close proximity to the City of Toronto, and that nnmerous portions of property have been sub divided into building lots under registered plan, thereby causing a large non resident assessment; and whereas the Treasur r of the said municipality has been given the power to conduct its own tax sales, and to collect all arrears; and whereas the application of certain s ctions of The Municipal and Assessment Acts, which apply to cities and towns, would facilitate and simplify the assessment of the said municipality; and whereas by the said petition it has been asked that the said corporation be empowered to appoint the Treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year; and that the said corporation may appoint their clerk assessment commissioner and that notwithstanding anything to the contrary in the Municipal or Assessment Acts but that they may be enabled to hold both offices; and whereas it has been made to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas it is further asked that a certain by-law of the municipal corporation of the Township of Etobicoke, intituled "No. 769 a By-law ratifying a certain agreement of the municipal council of the Township of Etobicoke with the Toronto Suburban Railway Company" and also said agreement, may be validated and confirmed:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The municipal council of the corporation of the Township By-law of Etobicoke may by by law appoint and authoriz their treasurer to treasurer to levy and collect all taxes, rates and assessments act as which may be imposed from year to year by said municipal collector. council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding.

Clerk may be appointed assersment

2. The municipal council of the corporation of the Township of Etobicoke, in addition to powers conferred upon it to commissioner. appoint assessors under the provisions of section 295 of The Municipal Act may appoint their clerk assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform all the duties of assessors appointed under the provisions of said section 295; a d the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council; and the said council shall have power to appoint their clerk as said commissioner notwithstanding anything in any general Act to the contrary.

Treasurer to give notices as to arrears of taxes.

- 3. The provisions contained in section 147 of The Assessment Act requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the Township of Etobicoke; but in lieu thereof the treasurer shall give the notice by the said section required to be given by the clerk.
- 4. The council of the corporation of the Township of Etobicoke may pass by laws for the purposes mentioned in subsections 5 and 6 of section 540 and subsections 4, 5 and 9 of section 559 of The Municipal Act, and section 58 of the said Assessment Act.

Rev. Stat. c. 224, s. 29, to apply to township.

5. Section 29 of The Assessment Act as applicable to towns and villages (incorporated or unincorporated) shall be applicable to such lands in the Township of Etobicoke.

By-law 769 with railway confirmed.

6. By-law No. 769 of the Municipal Corporation of the and agreement Township of Etobicoke, and the agreement therein referred to set forth in the schedule hereto, are hereby confirmed and declared to confer the rights thereby purporting to be conferred and to be valid and birding upon the parties thereto and the ratepayers of the municipality, and the council of the said municipality is hereby authorized from time to time to pass by-laws pursuant to the terms of the said agreement.

### SCHEDULE.

BY-LAW No. 769.

A By-law in reference to the Toronto Suburban Railway Company.

Passed the 4th day of March. 1902.

Be it enacted by the Municipal Corporation of the Township of Etobicoke as follows:—

- 1. That the reeve and clerk be, and they are hereby authorized, under the seal of the corporation, to enter into the agreement with the Toronto Suburban Railway Company, a copy of which is hereto attached.
- 2. That the corporation, in so far as it has power and jurisdiction so to do, doth hereby grant unto the Toronto Suburban Railway Company, its successors and assigns, for the periods set forth in the agreement hereto attached, the exclusive right to construct, maintain and operate its railway with the necessary swit hes, sidings and turnouts, and to erect and maintain such poles and wires as may be necessary for the transmission of electricity upon and along the street known as Dundas Street, commencing at the easterly limit of the said township at Lambton Mills; thence wes'erly along the said Dundas Street as travelled as a public road to the westerly limit of the Township of Etobicoke, according to the terms set forth in the said agreement.
- 3. The property of the said company and the income derived therefrom shall be exempt fr m general taxation for a period of ten years from the 1st day of September, 1902.

Enacted and passed in council this 4th day of March, 1902.

(Sgd.), John Bryans, Reeve.

John A. L. Macpherson, Clerk.

I certify the above to be a true and correct copy of By-law No. 769 of the Township of Etobicoke.

JOHN A. L. MACPHEFSON, Clerk.

Islington, March 5, 1902.

This Indenture made in duplicate the fourth day of March in the year of our Lord one thousand nine hundred and two, between the municipal corporation of the Township of Etobicoke, her inafter called "the township," of the first part; and The Toronto Suburban Railway Company, hereinafter called "the company," of the second part.

Whereas the company has applied to the township for permission to construct, maintain and operate a single track surface electric railway line upon and along the following road and way in the Township of Etobicoke, namely:—Upon and along the read known as Dundas street commencing at the eastern limit of the said township at Lambton Mills, then westerly along the said Dundas street as travelled as a public road to the western limit of the said township.

And whereas the said township is willing to grant such permission upon and subject to the terms of the company's charter and Acts amending and changing the same and subject to the terms and conditions hereinafter set orth, and the company and the township have agreed to enter into an agreement with each other in respect thereto.

It is hereby understood and agreed that wherever us d in this agreement "the township" a d "the company" shall be deemed to apply and extend to the successors and assigns of the parties hereto respectively.

Now this indenture witnesseth that the parties hereto have covenanted and agreed and by these presents do covenant and agree, subject as aforesaid each with the other of them, as follows:—

- 1. The company shall have and it is hareby given the privilege, right, franchise and authority in so far only as the Township has the jurisdiction to grant the same, to lay down, construct, equip, maintain, complete and operate, and from time to time renew and repair a single track surface electric railway upon and along the street above described, and subject to the conditions herein contained and not otherwise.
- 2. The company for the purpose of building, maintaining and operating its railway may:—
- (a) Lay down such tracks, rails, cables. conduits, superstructures and substructures upon and along the street above described as may be necessary for the company's single track electric surface railway under this agreement, but may not raise or lower the grade of any portions or por tion of the said street of the said Township without first obtaining the consent of the Township Council thereto.
- (b) Construct and maintain subject as hereinafter mentioned such poles, wires, substructures, and superstructures as may be necessary upon, over, under and along the said street for the purpose of carrying wires and conducting electricity, and supporting the necessary appliances for operating and maintaining the company's railway, but such wires when carried above ground shall not be strung at a less height than fourteen feet above the top of the rail.
- (c) Construct and maintain and from time to time repair and enlarge all such works and all such stations, buildings, platforms and conveniences, and construct, put in and maintain such culverts, switch s, tracks, turnouts, and sidings subject as hereinafter mentioned, as may from time to time be found necessary for the building maint ining and operating of the company's railway, or for the purpose of leading to or from any track allowance or rights of way of the company on lands adjacent to Dundas Street aforesaid where the company's railway deflects from or runs otherwise than on Dundas Street, or to the company's power house or car sheds, and the company may from time to time subject as hereinafter mentioned alter the location of such culverts, switches, tracks, turnouts and sidings, but no culvert turnout or siding shall be constructed or altered by the company without providing a proper outlet for water approved by the township engineer.
- 3. All work done under the authority of this agreement whether so specified in the agreement or not sha'l be done in a good workmanlike and proper manner according to the then best existing modern practice and under and subject to the supervision and approval of the township engineer.
- 4. The tracks of the company shall be of the same guage as the present guage of the company's tracks or such guage as is hereinafter provided for and the rails shall be of rolled steel weighing not less than fifty-six pounds to the yard and of the "T" partern, and the rolling stock and attachments to such rolling stock, including fenders, and the works of the company shall be constructed and maintained in the mot modern style and according to the best modern practice and suitable and convenient and with due regard to the safety of the public and for the purposes for which said railway is operated.
- 5. The tracks and rails of the company laid on any portion of the travelled street or road shall conform to the grade of the street, road or highway upon which it is placed and the top of the rails shall be laid level or nearly level with the crown of the street, road or highway and so as to cause the least possible impediment to the ordinary traffic of the street, road or highway and when so laid on the travelled portion of the street, road or highway the space between the rails and eighteen inches on each side of the rails shall be filled in with gravel, cinders or other suitable material and when not on the travelled portion of the highway between

the rails shall be crowned transversely and the whole roadbed within the township shall be well ballasted with suitable material and the company shall thereafter keep such tracks, roadbed, ballasting, crowning and filling-in, in good order and repair and at each intersection of the company's railway and cross streets or highways and at every private and public crossing, whether now established or which may hereafter at any time be required, the company shall construct and keep in good repair good and sufficient crossings wherever requisite or necessary and shall, subject to the approval of the township council being first had and obtained, provide, extend and maintain such culverts, drains, waterways and ditches with proper outlets as are now or may hereafter at any time be found nece-sary and upon the re-co st uction or necessary maintenance of any existing culverts, drains, waterways and dirches, the some shall to the extent of the company's tracks and for eighteen inches on each side thereof be done by and at the expense of the company and where new culverts are rendered necessary by the company's works, the company shall at its own expense, construct and maintain in good repair at its own expense all such new culverts, drains ditches and waterways. The company shall before operating said railway erect and maintain at least three suitable shelters on or along such of the company's right of way in the said township for the protection of passengers or travellers, such shelters to be placed at such points as the Township Council may direct.

- 7. The company may at any time construct or change the gauge of its tracks to such gauge as is now or may be here fter adopted as a standard electric railway gauge or to such other gauge as may be in use on the street railways or tramways in the City of Torot to and may with the consent of the township council change the nature or style of the rails and all such changes, alterations or alteration shall be made in a proper, substantial and workmanlike manner and according to the then best medern practice and the building, consider the rails and operating of the said railway and the making of such changes or alterations shall not unnecessarily or vexatiously interfere with the public travel on the said street.
- 8. The construction and operation of the proposed line of railway on the said street shall not (and this shall be deemed to be a condition precedent) be made until such plans thereof approved of by the Township Council and engineer showing the positions of the tracks, turnouts, switches and sidings up no said streets, reads and highways shall have been submitted to and approved of by the township engineer and council and a certified copy thereof duly filed with the clerk of the township.
- 9. If the Township Council shall at any time or times desire to alter the grade or otherwise improve or repair any portion or por ions of the said street upon which the company may have constructed its rails roadbed or any part thereof or for the purpose of repairing drains, culverts, crossings or doing any public work or for taking up or laying down any gas. water or other pipes or mains or for any other purpose which now is or may herea'ter be within the province and privilege of the municipal corp ration or of its licensee, and if the township or its licensee shall require to take up part r parts of the street used under the terms hereof the township council shall give to the company seven days previous written notice of such desire and what they require to be done, and the company shall within said time observe such requirements and shall remove such necessary part of their track, roadbed, p les and other works and replace and restore the same and the township will within a reasonable time pay to the company the actual cost of such removing. replacing and restoring aforesaid and the company shall not be entitled to any further comp neation for any damage which may have been occasioned thereby; and the township agrees with the company that the township's work or the work of its license in the premis's shall be begun, continued and completed with all due speed and diligence and with due regard to the convenience and workings of the company. The company and the Township Council may by mutual agreement join in the work of altering from time to time any grade or grades of any of the streets, roads or highways and in case they shall so agree then the one

doing the work shall be reimbursed by the other its proper proportion of the actual cost of such work and the actual cost thereof shall be, in case of dispute, ascertained by the senior judge of the county court of the County of York under *The Arbitration Act R. S. O.* (1897) cap. 62 and amending Acts.

- 10. The company may, at its own expense, and upon providing suitable outlets, upon first having obtained the consent of the township council thereto, construct new culverts for its own and the public use under the said street but the maintenance of any such new culverts shall be by and at the expense of the company and the construction of any such new culverts and outlets or the use or misuse of any of the now existing or any future culverts shall not be in such a manner as to damage adjoining owners or their properties.
- 11. Where the companies tracks are laid upon or along the travelled part of any street, road or highway persons or vehicles shall be allowed upon the same and the wheels of vehicles shall be allowed upon the company's rai's without any charge or hindrance of the company or any person claiming through or by or under them, excepting however that the cars and motors of the company shall have the first right of way and no vehicle or persons travelling thereon shall impede the operation of the cars or motors of the company and the township agrees to the extent of its powers in that behalf on demand by the company, to pass any by-law or by-laws which may be necessary to enforce the provisions of this section.
- 12. The company shall and will at all times hold, save and keep harmless and indemnified the township from and against all expenses which the township may pay, incor or be put to by reason of the construction and of the operating of the railway and premises and from all damages, liabilities, actions, causes of action, suits, claims and demands for injuries to persons or property or for causing the death or injury of any person or for any other thing in the construction, operation or management of the railway or by reason thereof or of the existence of the company's rails or plant upon the public highway or for any breach by the company of this contract.
- 13. That after the construction of the railway it shall not be in active operation within the township until it has been first inspected and its roadbed, appliances, switches, turnouts and crossings upon the said roads, streets and highways within the townrhip shall have been first inspected and approved of in writing by the railway inspector or other official appointed or who may be appointed to inspect railways under the provisions of The Railway Act of Ontario, The Electric Railway Act or under any other Act relating thereto or by the township engineer and township council.
- 14. The company shall on or before the 1st day of September, 1902, commence the construction of the company's track, p'ant and works within the township, and shall complete the same with all due diligence and speed and have the same ready for operation as a single through track line of railway connecting with the company's present system, and suitable and in proper condition for the due carrying of passengers and freight on or before the 1st day of September, 1903, and upon and across the whole width from the eastern to the western limits of the said township. In the event of the company failing to construct and operate such single track through line within the time above limited, then the Township Council may, upon giving to the company sixty days previous notice in writing requiring them to complete and operate the said railway within a certain period to be fixed by the said Township Council (such period, however, not to be less than sixty days from the da e of giving of such notice, and shall not be given before the expiration of the time for completion hereunder) the Township Council may at its option pass a by-law declaring this agreement null and void, and thereupon this agreement and all rights and privileges hereunder shall stand annulled and cancelled

and of no effect. Provided however that if from any act beyond the company's control the company is unable to have the said line completed and in operation within the time above limited, and has, in the opinion of the Township Council, used and shall have used all due diligence to have the said tracks completed as aforesaid, then the Township Council shall give a reasonable extension of time for the completion and operation of the said line of railway, and so from time to time as may be determined upon. Provided further that the Township Council may for any cause, upon the recommendation of the Township Engineer extend from time to time the time for such completion and operation.

- 15. That the company shall on and after the 1st day of September, 1903, operate its pessenger cars between the said eastern and western limits of the township and connected with the other portions of the company's system, giving a regular daily service of four cars per day each way and at such convenient times as best suits the public convenience and so as to best meet the wants of the residents and others desiring to use the said railway and the company shall from time to time as may be required as aforesaid increase the accommodation for the public.
- 16. The speed of cars upon such street shall not in any case exceed twenty-five miles per hour and each car shall be numbered and identified by large figures.
- 17. Passenger car conductors, mo ormen and ot'er like servants of the company shall be dressed in uniform with numbered badges exhibited conspicuously and the conductors shall clearly announce the names of streets and locations, cross streets and public places as the company's cars reach or approach the same and passengers shall not be compellable to pay fares to any one other than to an officer or servant of the company displaying the company's numbered badge.
- 18. The company may use its tracks and rolling stock for the conveyance of passengers, freight, goods, merchandise, mail and express matter.
- 19. The company's passenger cars shall stop to take on and let off passengers at such convenient points as may from time to time reasonably be directed by the Township Council.
- 20 Subject to the provisions of 1 Edward VII., chapter 91, the rates of fares and passenger rates shall be as hereinafter mentioned or as may be hereinafter mutually agreed upon.
- 21. The company shall have the right to remove from its track allowance all accumulations of ice and snow, provided however that any snow or ice shall not be placed upon the street so as to constitute a danger to the travelling public or other persons using such street in such a manner as streets, roads or highways are ordinarily used and all such snow and ice if removed from the company's tracks shall, if placed upon the public highway be spread evenly thereon.
- 22. The plans of alignment, grades and cross-sections of the grades shall be s! ewn upon the company's plan for deposit with the township clerk as above mentioned and shall be first approved of by the Township Council.
- 23. In the event of the company neglecting to keep its track, track allowance, crossings, grades, plant, buildings and other works upon the said street in good condition according to the terms and good intent hereof or to make all necessary repairs, renewals, amendments or betterments, the township may give one month's notice in writing setting out specifically what is required in the nature of repairs, renewals, amendments and betterments and if after the expiration of the said notice the said repairs, renewals, amendments and betterments are not made the township may make such repairs, renewals, amendments and betterments and for that purpose may enter in and upon the company's tracks, track allowance, ways, buildings and works and all expenses, costs and charges paid or incurred by the township shall be forthwith paid to the towhship by the

company and shall be a charge upon the company's undertaking subject to any bonded indebtedness.

- 24. Subject to the terms hereof and in so far as the terms are not inconsistent herewith, the said company shall be subject at all times hereafter to its Charter, Acts of incorporation and other Act of the Legislature relating thereto and to all by-laws which now are or may hereafter be in force in said township respecting highways so far as the nature of the case will admit.
- 25. All the property, assets and undertaking of the company and its income within the township shall be exempt from the township rate of taxation but not from any school rate for a period of ten years from the 1st day of January 1903. Provided that if the said railway is not completed and in operation under the terms hereof on the 1st September 1903, then the township may assess the works and undertakings of the company within the township until its completion and operation and the township agrees to pass a by-'aw in pursuance hereof.
- 26. The company hereby agrees to pay to the township all the fees, charges and expenses of the township engineer for all services performed by him in supervising and services performed or to be performed under the terms hereof,
- 27. The privileges granted by this agreement hereunder are the exclusive right (subject to any general legislation however which may be hereafter enacted and which may give other companies running rights over the company's tracks) to build, maintain and operate the undertaking of the company in, over and along the street aforesaid for the period of thirty years from the first day of September, 1902, and shall be renewed at the expiration thereof and of each success ve future term for the period of twenty years for each renewal upon such terms and subject to such conditions as shall from time to time be mutually agreed upon or as may be determined by arbitration by a single arbitrator to be held under The Arbitration Act R. S. O., cap. 62, and any amendments thereto.
  - 28. The rates of fare shall be as follows:-

CASH FAR 8—To or from any point between Keele Street and Church Street, Lambton Mills, five cents; between Church Street, Lambton Mills and Woods' Corners, Islington, five cents, and between Woods' Corners, Islington, and western township limits, Summerville, five cents

TICKETS—Twenty-five tickets between Keele Street and Church Street, Lambton Mills, one dollar; twenty-five tickets between Keele Street and Woods' Corners, Islington, one dollar and fifty cents, and twenty-five tickets between Keele Street and western township limits, Summerville, two dollars.

The tickets shall be issued only for the use of the person named therein or any of his family, and shall not be good when detached from the book containing the same, and shall be unlimited as to time of user.

School children shall be entitled to return tickets at a rate not exceeding one single cash fare.

29. The company hereby agrees to construct, maintain and operate its undertakings hereunder in the manner and subject to the terms and upon the conditions in this agreement set out, and will faithfully do, perform, fulfil and keep all the conditions, covenants, provisors and agreements herein expressed and contained on the company's part to be done, performed, fulfilled and kept, and it is the spirit and intention hereof to provide in every respect for a first-class single track surface electric railway, and that no omission of specific requirements to this effect shall in any case be construed in any way to invalidate this general requirement or to excuse the non-performance of any duty on the part of the company.

30. The company may erect poles and wires and other necessary modern appliances on Dundas Street and other highways in the Township of Etobicoke for the supply of electricity for light, heat and power, and may

also erect poles, wires and modern appliances for the purpose of a telephone or telegraph system on Dundas Street; but these privileges shall not in any sense be deemed an exclusive privilege, and all other companies or individuals operating or desiring to operate plants for light, heat and power, telephone and telegraph systems may have equal or greater powers or privileges granted them in this respect, and the company shall not be entitled to any compensation or damage for any lawful and reasonable interference with any light, heat and power, telephone or telegraph plant and appliances or anything connected therewith.

- 31. It is further understood and agreed that if at any time during the currency hereof. or of any renewal hereof, the said railway shall cease to be operated for a period of six months then the Township Council may, upon giving sixty days previous notice in writing to the company, enter in and upon the company's tracks upon the road, street and highway of the township and convert the same to the township's own use and benefit without being liable or accountable to the company therefor or for any part thereof.
- 32. The company may during the continuance of this agreement or any renewal thereof, operate the said undertakings by any improved system of propulsion other than the trolley system, upon first having obtained the consent thereto of the Township Council, but in no case shall the company be deemed to be empowered to use steam as a motive power.
- 33. In the event of any difference arising between the company and the township in regard to the construction of any one or more of the terms hereof, or as to any act or thing to be made or done in pursuance hereof, or in regard to the rights or liabilities of either of the parties hereunder, or as to the meaning or construction of this agreement or any part or parts thereof from time to time such difference or differences shall from time to time be referred for determination under the provisoes of The Arbitration Act, R.S.O. (1897), cap. 62, and amending Acts, to a single arbitrator who shall determine both the law and the facts, and an appeal from the decision of the said arbitrator shall lie to the High Court of Justice in the Province of Ontario, or to the Court of Appeal for Ontario, but no further or other appeal shall be had or lie from the decision of the High Court of Justice or from the judgment of the Court of Appeal as the case may be.
- 34. In regard to any works to be made, done or performed under the terms hereof, the township and its officer and engineer shall not arbitrarily, vexatiously or unwarrantably withhold the granting of any certificates or approval required under the provisions hereof and the township and its officers and engineer shall in all respects and in so far as is consistent with its and their duty, facilitate the company in carrying out the provisions hereof.
- 35. In the event of any portion of the said street at any point or points being of insufficient width to allow, after allowing ample room for the ordinary highway trrffic, of the laying of the company's tracks thereon under the terms hereof, then the company shall provide at its own expense private right of way or additional width of roadway upon which the company's tracks shall be laid or if the company shall lay its rails upon any portion of the said street and it shall thereafter be found that owing to the narrowness of any portion of the said street or from any other cause the balance of the roadway is not amply sufficient for the purposes of the general public, that the company shall at its own expense as aforesaid, change its location or obtain, build and provide additional roadway for the use of the public and shall male it safe and convenient for the public use. In the event of default hereunder the township may do the same and charge all costs, charges and expenses thereof to the company and all moneys paid or expense incurred for damages, costs, charges and expenses shall be forthwith repaid by the company to the township and shall be a lien upon the company's undertaking subject to the bonded indebtedness.
- 36. The company shall not under the provisions hereof be deemed to have any power to lay its tracks on any portion of the public streets, roads 2—59

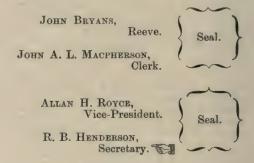
or highways for the purpose of crossing on any public bridge or bridges whether such bridge or bridges is or are the property of the township or of the county.

- 37. The company shall not place poles, structures or appliances u on such said street in such a position as would interfere with intersecting streets, roads or highways in the event of any other streets, roads or highways being opened up, established or dedicated, then all poles, structures and other obstructions interfering with the free use of such intersecting highways whether now existing or which may hereafter be opened up or dedicated shall at once be removed therefrom by and at the expense of the company.
- 38. That every switch shall be of such design that if left open or placed wrong cannot make a break in the line of the running track of the railway or offer an impediment which may cause the derailment of any passing car.
- 39. The company hereby agrees upon the installation or operation by the company of an electric lighting plant for the supply of light in or along Dundas street in the Township that it will supply and deliver to the said township free of charge for a period of ten years from the time of the installation or operation thereof at the municipal hall in the Village of Islington a sufficient current or supply of electricity to properly and efficiently light the said hall when reasonably required under the direction of the Township Council.
- 40. That subject to any Dominion or Ontario Provincial Act applicable thereto, all frogs shall be safely and securely packed with suitable material as provided in section 3 of cap. 266 R.S.O. (1897.)

In witness whereof the said township has caused its corporate seal to be hereunto affixed, and the reeve and clerk have set their respective hands, and the said company has signed, sealed and delivered this indenture the day and year first above mentioned, and the vice-president and secretary thereof have set their respective hands on behalf of the said company

Signed, sealed and delivered in the presence of

J. D. MONTGOMERY.





5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Township of Etobicoke.

First Reading, 1902.

(Reprinted with amendments for Private Bills Committee.)

Mr. HILL

TORONTO
PRINTED BY L. E. CAMEBON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Township of Etobicoke.

HEREAS the Corporation of the Township of Etobicoke, Preamble. in the County of York, by petition has represented that the said municipality is situated in close proximity to the City of Toronto, and that nnmerous portions of property have been sub-divided into building lots under registered plan, thereby causing a large non-resident assessment; and whereas the treasurer of the said municipality has been given the power to conduct tax sales, and to collect all arrears; and whereas the application of certain sections of The Municipal Act and The Assessment Act, which apply to cities and towns, would facilitate and simplify the assessment of the said municipality; and whereas by the said petition it has been asked that the said corporation be empowered to appoint the treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year; and that the said corporation may appoint their clerk assessment commissioner and that notwithstanding anything to the contrary in The Municipal Act or The Assessment Act, they may be enabled to hold both offices: and whereas it has been made to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas it is further asked that a certain by-law of the Municipal Corporation of the Township of Etobicoke, intituled "By-law No. 769 a By-law in reference to the Toronto Suburban Railway Company" and the agreement authorized thereby may be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

1. The Municipal Council of the Corporation of the Township By-law authorizing of Etobicoke may by by law appoint and authorize their treasurer to treasurer to levy and collect all taxes, rates and assessments act as which may be imposed from year to year by the said municipal collector. council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding.

Clerk may be appointed assessment

2. The Municipal Council of the Corporation of the Township of Etobicoke, in addition to the powers conferred upon it to commissioner. appoint assessors under the provisions of section 295 of The Municipal Act may appoint their clerk assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform all the duties of assessors appointed under the provisions of said section 295; and the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner, assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council; and the said council shall have power to appoint their clerk as said commissioner notwithstanding anything in any general Act to the contrary.

Treasurer to give notices as to arrears of taxes.

3. The provisions contained in section 147 of The Assessment Act requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the Township of Etobicoke; but in lieu thereof the treasurer shall give the notice by the said section required to be given by the clerk.

Council given power to pass certain by-laws.

4. The Council of the Corporation of the Township of Etobicoke may pass by laws for the purposes mentioned in subsections 5 and 6 of section 540 and subsections 4, 5 and 9 of section 559 of The Municipal Act, and section 58 of The Assessment Act.

Rev. Stat. c. 224, s. 29, to apply to township.

5. Section 29 of The Assessment Act as applicable to towns and villages shall be applicable to the Township of Etobicoke.

By-law 769 with railway confirmed.

6. By-law No. 769 of the Municipal Corporation of the and agreement Township of Etobicoke, and the agreement therein referred to, set forth in the schedule hereto, are hereby confirmed and declared to confer the rights thereby purporting to be conferred, and to be valid and binding upon the parties thereto and the ratepayers of the municipality, and the council of the said municipality is hereby authorized from time to time to pass by-laws pursuant to the terms of the said agreement.

### SCHEDULE.

BY-LAW No. 769.

A By-law in reference to the Toronto Suburban Railway Company.

Passed the 4th day of March, 1902.

Be it enacted by the Municipal Corporation of the Township of Etobicoke as follows:—

- 1. That the reeve and clerk be, and they are hereby authorized, under the seal of the corporation, to enter into the agreement with the Toronto Suburban Railway Company, a copy of which is hereto attached.
- 2. That the corporation, in so far as it has power and jurisdiction so to do, doth hereby grant unto the Toronto Suburban Railway Company, its successors and assigns, for the periods set forth in the agreement hereto attached, the exclusive right to construct, maintain and operate its railway with the necessary switches, sidings and turnouts, and to erect and maintain such poles and wires as may be necessary for the transmission of electricity upon and along the street known as Dundas Street, commencing at the easterly limit of the said township at Lambton Mills; thence westerly along the said Dundas Street as travelled as a public load to the westerly limit of the Township of Etobicoke, according to the terms set forth in the said agreement.
- 3. The property of the said company and the income derived therefrom shall be exempt from general taxation for a period of ten years from the 1st day of September, 1902.

Enacted and passed in council this 4th day of March, 1902.

(Sgd.), John Bryans, Reeve.
John A. L. Macpherson, Clerk.

I certify the above to be a true and correct copy of By-law No. 769 of the Township of Etobicoke.

JOHN A. L. MACPHERSON, Clerk.

Islington, March 5, 1902.

This Indenture made in duplicate the fourth day of March in the year of our Lord one thousand nine hundred and two, between the municipal corporation of the Township of Etobicoke, hereinafter called "the township," of the first part; and The Toronto Suburban Railway Company, hereinafter called "the company," of the second part.

Whereas the company has applied to the township for permission to construct, maintain and operate a single track surface electric railway line upon and along the following road and way in the Township of Etobicoke, namely:—Upon and along the road known as Dundas street commencing at the eastern limit of the said township at Lambton Mills, then westerly along the said Dundas street as travelled as a public road to the western limit of the said township.

And whereas the said township is willing to grant such permission upon and subject to the terms of the company's charter and Acts amending and changing the same and subject to the terms and conditions hereinafter set forth, and the company and the tewnship have agreed to enter into an agreement with each other in respect thereto:

It is hereby understood and agreed that wherever used in this agreement "the township" and "the company" shall be deemed to apply and extend to the successors and assigns of the parties hereto respectively.

Now this indenture witnesseth that the parties hereto have covenanted and agreed and by these presents do covenant and agree, subject as aforesaid each with the other of them, as follows:—

- 1. The company shall have and it is hereby given the privilege, right, franchise and authority in so far only as the Township has the jurisdiction to grant the same, to lay down, construct, equip, maintain, complete and operate, and from time to time renew and repair a single track surface electric railway upon and along the street above described, and subject to the conditions herein contained and not otherwise.
- 2. The company for the purpose of building, maintaining and operating its railway may :—
- (a) Lay down such tracks, rails, cables, conduits, superstructures and substructures upon and along the street above described as may be necessary for the company's single track electric surface railway under this agreement, but may not raise or lower the grade of any portions or portion of the said street of the said Township without first obtaining the consent of the Township Council thereto.
- (b) Construct and maintain subject as hereinafter mentioned such poles, wires, substructures, and superstructures as may be necessary upon, over, under and along the said street for the purpose of carrying wires and conducting electricity, and supporting the necessary appliances for operating and maintaining the company's railway, but such wires when carried above ground shall not be strung at a less height than fourteen feet above the top of the rail.
- (c) Construct and maintain and from time to time repair and enlarge all such works and all such stations, buildings, platforms and conveniences, and construct, put in and maintain such culverts, switches, tracks, turnouts, and sidings subject as hereinafter mentioned, as may from time to time be found necessary for the building, maintaining and operating of the company's railway, or for the purpose of leading to or from any track allowance or rights of way of the company on lands adjacent to Dundas Street aforesaid where the company's railway deflects from or runs otherwise than on Dundas Street, or to the company's power house or car sheds, and the company may from time to time subject as hereinafter mentioned alter the location of such culverts, switches, tracks, turnouts and sidings, but no culvert turnout or siding shall be constructed or altered by the company without providing a proper outlet for water approved by the township engineer.
- 3. All work done under the authority of this agreement whether so specified in the agreement or not shall be done in a good workmanlike and proper manner according to the then best existing modern practice and under and subject to the supervision and approval of the township engineer.
- 4. The tracks of the company shall be of the same guage as the present guage of the company's tracks or such guage as is hereinafter provided for and the rails shall be of rolled steel weighing not less than fifty-six pounds to the yard and of the "T" pattern, and the rolling stock and attachments to such rolling stock, including fenders, and the works of the company shall be constructed and maintained in the most modern style and according to the best modern practice and suitable and convenient and with due regard to the safety of the public and for the purposes for which said railway is operated.
- 5. The tracks and rails of the company laid on any portion of the travelled street or road shall conform to the grade of the street, road or highway upon which it is placed and the top of the rails shall be laid level or nearly level with the crown of the street, road or highway and so as to cause the least possible impediment to the ordinary traffic of the street, road or highway and when so laid on the travelled portion of the street, road or highway the space between the rails and eighteen inches on each side of the rails shall be filled in with gravel, cinders or other suitable material and when not on the travelled portion of the highway between

the rails shall be crowned transversely and the whole roadbed within the township shall be well ballasted with suitable material and the company shall thereafter keep such tracks, roadbed, ballasting, crowning and filling-in, in good order and repair and at each intersection of the company's railway and cross streets or highways and at every private and public crossing, whether now established or which may hereafter at any time be required, the company shall construct and keep in good repair good and sufficient crossings wherever requisite or necessary and shall, subject to the approval of the township council being first had and obtained, provide, extend and maintain such culverts, drains, waterways and ditches with preper outlets as are now or may hereafter at any time be found necessary and upon the re-construction or necessary maintenance of any existing culverts, drains, waterways and ditches, the same shall to the extent of the company's tracks and for eighteen inches on each side thereof be done by and at the expense of the company and where new culverts are rendered necessary by the company's works the company shall at its own expense, construct and maintain in good repair at its own expense all such new culverts, drains, ditches and waterways. The company shall before operating said railway erect and maintain at least three suitable shelters on or along such of the company's right of way in the said township for the protection of passengers or travellers, such shelters to be placed at such points as the Township Council may direct.

- 7. The company may at any time construct or change the gauge of its tracks to such gauge as is now or may be hereafter adopted as a standard electric railway gauge or to such other gauge as may be in use on the street railways or tramways in the City of Toronto and may with the consent of the township council change the nature or style of the rails and all such changes, alterations or alteration shall be made in a proper, substantial and workmanlike manner and according to the then best medern practice and the building, constructing and operating of the said railway and the making of such changes or alterations shall not unnecessarily or vexatiously interfere with the public travel on the said street.
- 8. The construction and operation of the proposed line of railway on the said street shall not (and this shall be deemed to be a condition precedent) be made until such plans thereof approved of by the Township Council and engineer showing the positions of the tracks, turnouts, switches and sidings upon said streets, roads and highways shall have been submitted to and approved of by the township engineer and council and a certified copy thereof duly filed with the clerk of the township.
- 9. If the Township Council shall at any time or times desire to alter the grade or otherwise improve or repair any portion or portions of the said street upon which the company may have constructed its rails roadbed or any part thereof or for the purpose of repairing drains, culverts, crossings or doing any public work or for taking up or laying down any gas, water or other pipes or mains or for any other purpose which now is or may hereafter be within the province and privilege of the municipal corporation or of its licensee, and if the township or its licensee shall require to take up part or parts of the street used under the terms hereof the township council shall give to the company seven days previous written notice of such desire and what they require to be done, and the company shall within said time observe such requirements and shall remove such necessary part of their track, roadbed, poles and other works and replace and restore the same and the township will within a reasonable time pay to the company the actual cost of such removing, replacing and restoring aforesaid and the company shall not be entitled to any further compensation for any damage which may have been occasioned thereby; and the township agrees with the company that the township's work or the work of its licensee in the premises shall be begun, continued and completed with all due speed and diligence and with due regard to the convenience and workings of the company. The company and the Township Council may by mutual agreement join in the work of altering from time to time any grade or grades of any of the streets, roads or highways and in case they shall so agree then the one

doing the work shall be reimbursed by the other its proper proportion of the actual cost of such work and the actual cost thereof shall be, in case of dispute, ascertained by the senior judge of the county court of the County of York under *The Arbitration Act R. S. O.* (1897) cap. 62 and amending Acts.

- 10. The company may, at its own expense, and upon providing suitable outlets, upon first having obtained the consent of the township council thereto, construct new culverts for its own and the public use under the said street but the maintenance of any such new culverts shall be by and at the expense of the company and the construction of any such new culverts and outlets or the use or misuse of any of the now existing or any future culverts shall not be in such a manner as to damage adjoining owners or their properties.
- 11. Where the companies tracks are laid upon or along the travelled part of any street, road or highway persons or vehicles shall be allowed upon the same and the wheels of vehicles shall be allowed upon the company's rails without any charge or hindrance of the company or any person claiming through or by or under them, excepting however that the cars and motors of the company shall have the first right of way and no vehicle or persons travelling thereon shall impede the operation of the cars or motors of the company and the township agrees to the extent of its powers in that behalf on demand by the company, to pass any by-law or by-laws which may be necessary to enforce the provisions of this section.
- 12. The company shall and will at all times hold, save and keep harmless and indemnified the township from and against all expenses which the township may pay, incur or be put to by reason of the construction and of the operating of the railway and premises and from all damages, liabilities, actions, causes of action, suits, claims and demands for injuries to persons or property or for causing the death or injury of any person or for any other thing in the construction, operation or management of the railway or by reason thereof or of the existence of the company's rails or plant upon the public highway or for any breach by the company of this contract.
- 13. That after the construction of the railway it shall not be in active operation within the township until it has been first inspected and its roadbed, appliances, switches, turnouts and crossings upon the said roads, streets and highways within the townrhip shall have been first inspected and approved of in writing by the railway inspector or other official appointed or who may be appointed to inspect railways under the provisions of The Railway Act of Ontario, The Electric Railway Act or under any other Act relating thereto or by the township engineer and township council.
- 14. The company shall on or before the 1st day of September, 1902, commence the construction of the company's track, plant and works within the township, and shall complete the same with all due diligence and speed and have the same ready for operation as a single through track line of railway connecting with the company's present system, and suitable and in proper condition for the due carrying of passengers and freight on or before the 1st day of September, 1903, and upon and across the whole width from the eastern to the western limits of the said township. In the event of the company failing to construct and operate such single track through line within the time above limited, then the Township Council may, upon giving to the company sixty days previous notice in writing requiring them to complete and operate the said railway within a certain period to be fixed by the said Township Council (such period, however, not to be less than sixty days from the date of giving of such notice, and shall not be given before the expiration of the time for completion hereunder) the Township Council may at its option pass a by-law declaring this agreement null and void, and thereupon this agreement and all rights and privileges hereunder shall stand annulled and cancelled

and of no effect. Provided however that if from any act beyond the company's control the company is unable to have the said line completed and in operation within the time above limited, and has, in the opinion of the Township Council, used and shall have used all due diligence to have the said tracks completed as aforesaid, then the Township Council shall give a reasonable extension of time for the completion and operation of the said line of railway, and so from time to time as may be determined upon. Provided further that the Township Council may for any cause, upon the recommendation of the Township Engineer extend from time to time the time for such completion and operation.

- 15. That the company shall on and after the 1st day of September, 1903, operate its passenger cars between the said eastern and western limits of the township and connected with the other portions of the company's system, giving a regular daily service of four cars per day each way and at such convenient times as best suits the public convenience and so as to best meet the wants of the residen's and others desiring to use the said railway and the company shall from time to time as may be required as aforesaid increase the accommodation for the public.
- 16. The speed of cars upon such street shall not in any case exceed twenty-five miles per hour and each car shall be numbered and identified by large figures.
- 17. Passenger car conductors, motormen and other like servants of the company shall be dressed in uniform with numbered badges exhibited conspicuously and the conductors shall clearly announce the names of streets and locations, cross streets and public places as the company's cars reach or approach the same and passengers shall not be compellable to pay fares to any one other than to an officer or servant of the company displaying the company's numbered badge.
- 18. The company may use its tracks and rolling stock for the conveyance of passengers, freight, goods, merchandise, mail and express matter.
- 19. The company's passenger cars shall stop to take on and let off passengers at such convenient points as may from time to time reasonably be directed by the Township Council.
- 20. Subject to the provisions of 1 Edward VII., chapter 91, the rates of fares and passenger rates shall be as hereinafter mentioned or as may be hereinafter mutually agreed upon.
- 21. The company shall have the right to remove from its track allowance all accumulations of ice and snow, provided however that any snow or ice shall not be placed upon the street so as to constitute a danger to the travelling public or other persons using such street in such a manner as streets, roads or highways are ordinarily used and all such snow and ice if removed from the company's tracks shall, if placed upon the public highway be spread evenly thereon.
- 22. The plans of alignment, grades and cross-sections of the grades shall be shewn upon the company's plan for deposit with the township clerk as above mentioned and shall be first approved of by the Township Council.
- 23. In the event of the company neglecting to keep its track, track allowance, crossings, grades, plant, buildings and other works upon the said street in good condition according to the terms and true intent hereof or to make all necessary repairs, renewals, amendments or betterments, the township may give one month's notice in writing setting out specifically what is required in the nature of repairs, renewals, amendments and betterments and if after the expiration of the said notice the said repairs, renewals, amendments and betterments are not made the township may make such repairs, renewals, amendments and betterments ard for that purpose may enter in and upon the company's tracks, track allowance, ways, buildings and works and all expenses, costs and charges paid or incurred by the township shall be forthwith paid to the towhship by the

company and shall be a charge upon the company's undertaking subject to any bonded indebtedness.

- 24. Subject to the terms hereof and in so far as the terms are not inconsistent herewith, the said company shall be subject at all times hereafter to its Charter, Acts of incorporation and other Act of the Legislature relating thereto and to all by-laws which now are or may hereafter be in force in said township respecting highways so far as the nature of the case will admit.
- 25. All the property, assets and undertaking of the company and its income within the township shall be exempt from the township rate of taxation but not from any school rate for a period of ten years from the 1st day of January 1903. Provided that if the said railway is not completed and in operation under the terms hereof on the 1st September 1903, then the township may assess the works and undertakings of the company within the township until its completion and operation and the township agrees to pass a by-law in pursuance hereof.
- 26. The company hereby agrees to pay to the township all the fees, charges and expenses of the township engineer for all services performed by him in supervising and services performed or to be performed under the terms hereof,
- 27. The privileges granted by this agreement hereunder are the exclusive right (subject to any general legislation however which may be hereafter enacted and which may give other companies running rights over the company's tracks) to build, maintain and operate the undertaking of the company in, over and along the street aforesaid for the period of thirty years from the first day of September, 1902, and shall be renewed at the expiration thereof and of each successive future term for the period of twenty years for each renewal upon such terms and subject to such conditions as shall from time to time be mutually agreed upon or as may be determined by arbitration by a single arbitrator to be held under *The Arbitration Act R. S. O.*, cap. 62, and any amendments thereto.

28. The rates of fare shall be as follows:-

CASH FARES—To or from any point between Keele Street and Church Street, Lambton Mills, five cents; between Church Street, Lambton Mills and Woods' Corners, Islington, five cents, and between Woods' Corners, Islington, and western township limits, Summerville, five cents.

TICKETS—Twenty-five tickets between Keele Street and Church Street, Lambton Mills, one dollar; twenty-five tickets between Keele Street and Woods' Corners, Islington, one dollar and fifty cents, and twenty-five tickets between Keele Street and western township limits, Summerville, two dollars.

The tickets shall be issued only for the use of the person named therein or any of his family, and shall not be good when detached from the book containing the same, and shall be unlimited as to time of user.

School children shall be entitled to return tickets at a rate not ex-

ceeding one single cash fare.

29. The company hereby agrees to construct, maintain and operate its undertakings hereunder in the manner and subject to the terms and upon the conditions in this agreement set out, and will faithfully do, perform, fulfil and keep all the conditions, covenants, provisoes and agreements herein expressed and contained on the company's part to be done, performed, fulfilled and kept, and it is the spirit and intention hereof to provide in every respect for a first-class single track surface electric railway, and that no omission of specific requirements to this effect shall in any case be construed in any way to invalidate this general requirement or to excuse the non-performance of any duty on the part of the company.

30. The company may erect poles and wires and other necessary modern

appliances on Dundas Street and other highways in the Township of Etobicoke for the supply of electricity for light, heat and power, and may also erect poles, wires and modern appliances for the purpose of a telephone or telegraph system on Dundas Street; but these privileges shall not in any sense be deemed an exclusive privilege, and all other companies or individuals operating or desiring to operate plants for light, heat and power, telephone and telegraph systems may have equal or greater powers or privileges granted them in this respect, and the company shall not be entitled to any compensation or damage for any lawful and reasonable interference with any light, heat and power, telephone or telegraph plant and appliances or anything connected therewith.

- 31. It is further understood and agreed that if at any time during the currency hereof, or of any renewal hereof, the said railway shall cease to be operated for a period of six months then the Township Council may, upon giving sixty days previous notice in writing to the company, enter in and upon the company's tracks upon the road, street and highway of the township and convert the same to the township's own use and benefit without being liable or accountable to the company therefor or for any part thereof.
- 32. The company may during the continuance of this agreement or any renewal thereof, operate the said undertakings by any improved system of propulsion other than the trolley system, upon first having obtained the consent thereto of the Township Council, but in no case shall the company be deemed to be empowered to use steam as a motive power.
- 33. In the event of any difference arising between the company and the township in regard to the construction of any one or more of the terms hereof, or as to any act or thing to be made or done in pursuance hereof, or in regard to the rights or liabilities of either of the parties hereunder, or as to the meaning or construction of this agreement or any part or parts thereof from time to time such difference or differences shall from time to time be referred for determination under the provisoes of The Arbitration Act, R.S.O. (1897), cap. 62, and amending Acts, to a single arbitrator who shall determine both the law and the facts, and an appeal from the decision of the said arbitrator shall lie to the High Court of Justice in further or other appeal shall be had or lie from the decision of the High Court of Justice or from the judgment of the Court of Appeal as the case may be.
- 34. In regard to any works to be made, done or performed under the terms hereof, the township and its officer and engineer shall not arbitrarily, vexatiously or unwarrantably withhold the granting of any certificates or approval required under the provisions hereof and the township and its officers and engineer shall in all respects and in so far as is consistent with its and their duty, facilitate the company in carrying out the provisions hereof.
- 35. In the event of any portion of the said street at any point or points being of insufficient width to allow, after allowing ample room for the ordinary highway trrffic, of the laying of the company's tracks thereon under the terms hereof, then the company shall provide at its own expense private right of way or additional width of roadway upon which the company's tracks shall be laid or if the company shall lay its rails upon any portion of the said street and it shall thereafter be found that owing to the narrowness of any portion of the said street or from any other cause the balance of the roadway is not amply sufficient for the purposes of the general public, that the company shall at its own expense as aforesaid, change its location or obtain, build and provide additional roadway for the use of the public and shall make it safe and convenient for the public use. In the event of default hereunder the township may do the same and charge all costs, charges and expenses thereof to the company and all moneys paid or expense incurred for damages, costs, charges and expenses shall be forthwith repaid by the company to the township and shall be a lien upon the company's undertaking subject to the bonded indebtedness.

36. The company shall not under the provisions hereof be deemed to have any power to lay its tracks on any portion of the public streets, roads 2—59

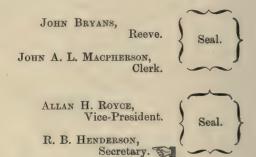
or highways for the purpose of crossing on any public bridge or bridges whether such bridge or bridges is or are the property of the township or of the county.

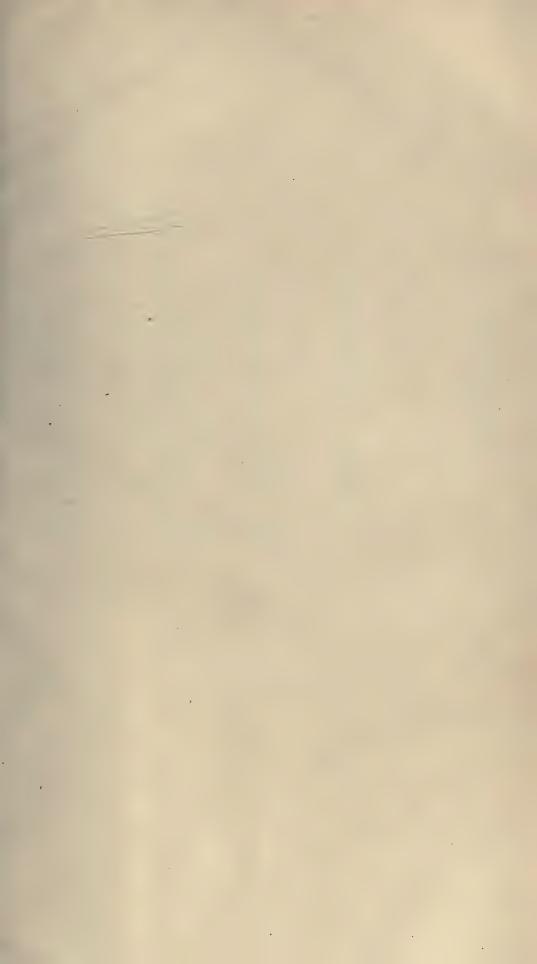
- 37. The company shall not place poles, structures or appliances upon such said street in such a position as would interfere with intersecting streets, roads or highways in the event of any other streets, roads or highways being opened up, established or dedicated, then all poles, structures and other obstructions interfering with the free use of such intersecting highways whether now existing or which may hereafter be opened up or dedicated shall at once be removed therefrom by and at the expense of the company.
- 38. That every switch shall be of such design that if left open or placed wrong cannot make a break in the line of the running track of the railway or offer any impediment which may cause the derailment of any passing car.
- 39. The company hereby agrees upon the installation or operation by the company of an electric lighting plant for the supply of light in or along Dundas street in the Township that it will supply and deliver to the said township free of charge, for a period of ten years from the time of the installation or operation thereof, at the municipal hall in the Village of Islington a sufficient current or supply of electricity to properly and efficiently light the said hall when reasonably required under the direction of the Township Council.
- 40. That subject to any Dominion or Ontario Provincial Act applicable thereto, all frogs shall be safely and securely packed with suitable material as provided in section 3 of cap. 266 R.S.O. (1897.)

In witness whereof the said township has caused its corporate seal to be hereunto affixed, and the reeve and clerk have set their respective hands, and the said company has signed, sealed and delivered this indenture the day and year first above mentioned, and the vice-president and secretary thereof have set their respective hands on behalf of the said company

Signed, sealed and delivered in the presence of

J. D. MONTGOMERY.





5th Session, 9th Legislature, 2 Edward VII., 1902.

# BILL.

An Act respecting the Township of Etobicoke.

First Reading, 4th February, 1902.

(Reprinted as amended by Private Bills Committee.)

Mr. HILL

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.





